

Town of Mineral Springs
Mineral Springs Town Council
Regular Meeting
July 8, 2021

AGENDA

- 1. Opening**
The meeting will be called to order, an invocation will be delivered, and the Pledge of Allegiance will be recited.
- 2. Public Comments**
The town council will hear comments from members of the public on any matters of interest to them during this ten-minute period.
- 3. Consent Agenda – Action Item**
 - A. May 13, 2021 Public Hearing/Regular Meeting Minutes, June 10, 2021 Public Hearing/Regular Meeting Minutes, and the June 29, 2021 Special Meeting Minutes
 - B. May 2021 Tax Collector's Report
 - C. May 2021 Finance Report
- 4. Artists Music Guild Presentation by David L Cook – Action Item**
Mr. David L. Cook from Artists Music Guild will make a presentation to the council and request funding.
- 5. Discussion and Consideration of the Vacant Council Seat – Action Item**
The council will consider its options regarding the vacancy left by the passing of Councilwoman Peggy Neill.
- 6. Consideration of the 2020-2021 Audit Contract – Action Item**
The council will consider approving the audit contract for the 2020-2021 fiscal year.
- 7. Staff Updates**
The staff will update the council on any developments that may affect the town.
- 8. Other Business**
- 9. Adjournment**

**Draft Minutes of the
Mineral Springs Town Council
Public Hearing / Regular Meeting
May 13, 2021 – 7:30 p.m.**

The Town Council of the Town of Mineral Springs, North Carolina, met in Public Hearing and Regular Session at the Mineral Springs Town Hall located at 3506 Potter Road South, Mineral Springs, North Carolina, at 7:30 p.m. on Thursday, May 13, 2021.

Present: Mayor Frederick Becker III, Mayor Pro Tem Valerie Coffey, Councilman Jerry Countryman, Councilwoman Janet Critz, and Councilwoman Bettylyn Krafft.

Absent: Councilwoman Lundeen Cureton and Councilwoman Peggy Neill.

Staff Present: Town Clerk/Zoning Administrator Vicky Brooks, Attorney Bobby Griffin, and Deputy Town Clerk Janet Ridings.

Visitors: Allison Drake and Bjorn Hansen.

1. Opening

With a quorum present at 7:31 p.m. on May 13, 2021, Mayor Frederick Becker called the Regular Town Council Meeting to order.

Councilwoman Critz delivered the invocation.

Pledge of Allegiance.

2. Public Hearing – Proposed Text Amendments (TA-2021-01)

Mayor Becker called the Proposed Text Amendment (TA-2021-01) Public Hearing to order at 7:32 p.m. and explained the text amendments were in the agenda packet that Ms. Brooks and Erin [Burris] have been working on for the past few months.

Ms. Brooks explained the text amendments were from the changes to General Statute 160D. Ms. Brooks provided the council with a checklist of changes for 160D and a document titled “Recommended Text Amendments to the Mineral Springs Development Ordinance – TA-2021-01”. Ms. Brooks also provided the council with a Statement of Consistency and Reasonableness. Ms. Brooks explained one of the text amendments did not have anything to do with 160D, but it was something that needed to be fixed for a Minor Subdivision; when the town redid the ordinance back in 2019, it was one that “slipped through the cracks” on septic suitability for Minor Subdivisions.

There were no public hearing comments.

Mayor Becker closed the Proposed Text Amendment (TA-2021-01) Public Hearing at 7:35 p.m.

3. Consideration of the Proposed Text Amendments (TA-2021-01) – Action Item

MEMO

To: Town Council
From: Vicky Brooks
Date: May 3, 2021
Re: Agenda Items 2 & 3 – Public Hearing – Proposed Text Amendments (TA-2021-01)
Consideration of the Proposed Text Amendments (TA-2021-01)

Chapter 160D: A New Land Use Law for North Carolina by Adam Lovelady, David W. Owens, and Ben Hitchings – UNC School of Government

The new Chapter 160D of the North Carolina General Statutes consolidates city-and county-enabling statutes for development regulations (now in Chapters 153A and 160A into a single, unified chapter. Chapter 160D places these statutes into a more logical, coherent organization. While the new law does not make any major policy changes or shifts in the scope of authority granted to local governments, it does provide many clarifying amendments and consensus reforms that will need to be incorporated into local development regulations.

Chapter 160D is effective now, but local governments have until July 1, 2021 for the development, consideration, and adoption of necessary amendments to conform local ordinances to this new law. All city and county zoning, subdivision, and other development regulations, including unified-development ordinances, will need to be updated by that date to conform to the new law. Cities and counties that have zoning ordinance must have an up-to-date comprehensive plan or land use plan by July 1, 2022.

Additional Information (from UNC School of Government)

The principal impact of 160D is to:

1. Consolidate current city and county enabling statutes now in Article 18, Chapter 153A and Article 19, Chapter 160A into a single, unified new Chapter 160D of the General Statutes.
2. Place these statutes into a more logical, coherent organization, facilitating ease of finding relevant provisions and clarifying how the statutes relate to one another.
3. Provide uniform authority, definitions and procedures for cities and counties, while retaining broad substantive policy discretion for ordinances adopted by individual jurisdictions.

While not making major policy shifts in existing legislation, the legislation modernizes the language of the statute to remove obsolete terminology and clarify existing provisions without making substantive changes. In addition, a number of consensus reforms that have the broad support of the local government and development community are incorporated.

The 160D proposal was developed by the N.C. Bar Association. The legislation was introduced as H. 548 in 2015 and as S. 419 in 2017. The bill was introduced in the 2019 session of the General Assembly as S. 422 and H. 448. On May 6, 2019 the Senate passed the bill as introduced as Part II of S. 355. The House of Representatives passed the bill with only a few technical tweaks on June 26. The Governor signed the bill on July 11. It is S.L. 2019-111. It initially was to become effective January 1, 2021 in order to allow time in 2020 to incorporate amendments made to affected statutes by other legislation enacted in 2019. That incorporation was made by S.L. 2020-25. Therefore Chapter 160D was made effective upon the adoption of that legislation, June 19, 2020. However, local governments have until July 1, 2021 to adopt conforming amendments to their local development regulations, with Chapter 160D becoming effective for each jurisdiction as those amendments are adopted (or no later than July 1, 2021).

The proposed text amendments required by the new Chapter 160D (Local Planning and Development Regulation) were presented to the Mineral Springs Planning Board in March of 2021 and were unanimously recommended for approval.

Following this memo, you will find a document titled "G.S. Chapter 160D Checklist of Changes" and one titled "Recommended Text Amendments to the Mineral Springs Development Ordinance – 05/13/21 – TA2021-01".

The document titled "G.S. Chapter 160D Checklist of Changes" is the checklist provided by UNC School of Government that details the changes that are necessary for our ordinance to conform with Chapter 160D. The first page describes what the symbols mean throughout the document. The first column in the chart shows what action staff has taken on each category. The second column are the symbols provided by the School of Government denoting what actions are necessary. Council should pay particular attention to page 17 of this document, because it denotes notable legislative changes that do not require local action, but local governments must be aware of.

The document titled "Recommended Text Amendments to the Mineral Springs Development Ordinance – 05/13/21 – TA2021-01" describes each text amendment to the ordinance with council approval/adoption. As noted on page 19 – the proposed text amendment to Article 3 – Section 3.3.3(D) is not a text amendment related to the new Chapter 160D changes, but that of a correction to the ordinance that was inadvertently overlooked during the process of converting the zoning and subdivision ordinances into the unified development ordinance. As highlighted on page 1 – there are two text amendments that were omitted from the planning board review/recommendation **chart**; however, they were shown in the digital version of the ordinance that the planning board received for review, which highlighted all the changes.

Mayor Becker noted the planning board had recommended the text amendments.

Councilman Countryman motioned to adopt the Consistency Statement and Councilwoman Coffey seconded. The motion passed unanimously. Ayes: Coffey, Countryman, Critz, and Krafft. Nays: None.

Mayor Becker commented the text amendments were consistent with the Land Use Plan.

Councilwoman Critz motioned to adopt the amendments (TA-2021-01) and Councilman Countryman seconded. The motion passed unanimously. Ayes: Coffey, Countryman, Critz, and Krafft. Nays: None.

The Statement of Reasonableness and Consistency is as follows:

**TOWN OF MINERAL SPRINGS
TOWN COUNCIL**
**STATEMENT OF REASONABLENESS
AND CONSISTENCY**
Mineral Springs Development Ordinance
Articles 1, 2, 3, 4, 5, 8, and 9
TA-2021-01

In reference to the proposed text amendments to Articles 1, 2, 3, 4, 5, 8, and 9 of the Mineral Springs Development Ordinance.

The Mineral Springs Town Council hereby declares the proposed text amendments to be "**reasonable**" as they bring the Mineral Springs Development Ordinance into compliance with General Statute 160D, and one specifically clears up the procedures for minor subdivisions.

The Mineral Springs Town Council hereby declares the proposed text amendments to be "**consistent**" with the Mineral Springs Land Use Plan adopted October 12, 2006 and the Vision Plan contained therein, which specifically calls for periodic review to make sure that the Ordinance is as up to date as possible.

ADOPTED by the Mineral Springs Town Council this the 13th day of May 2021.

Frederick Becker III, Mayor

Attest:

Vicky A. Brooks, CMC, NCCMC, CZO

4. Public Comments

There were no public comments.

5. Consent Agenda – Action Item

Councilwoman Critz motioned to approve the consent agenda containing the April 8, 2021 Public Hearing/Regular Meeting Minutes, the March 2021 Tax Collector's Report, and the March 2021 Finance Report and Councilwoman Krafft seconded. The motion passed unanimously. Ayes: Coffey, Countryman, Critz, and Krafft. Nays: None.

6. Presentation by Bjorn Hansen and Allison Drake on the Critical Intersection and Consideration on the Preferred Alternative – Action Item

Mayor Becker introduced Bjorn Hansen from Union County and Allison Drake from RS&H and explained this was wrapping up the critical intersection study including the results of the surveys, and the public meetings.

Mr. Hansen thanked the mayor and members of the council for allowing them to speak this evening. Mr. Hansen explained he worked in the Planning Department for the county and Allison Drake was the project manager for RS&H who has been assisting through this phase of the program. Mr. Hansen explained he would be giving the background of the program and how it got to where it is

now and then Ms. Drake is the expert and will talk about the specifics of the location here in Mineral Springs.

Mr. Hansen provided a PowerPoint presentation.

Mr. Hansen explained this is a program called the "Critical Intersection Program", which the county has been doing for about seven years. A decade ago, the county realized that they were collectively spinning their wheels quite a bit and they didn't know where to focus their energy as it related to intersections and other improvements in Union County; "we all have limited resources and we all need to work with the NCDOT". Mr. Hansen stated there was nothing more frustrating than to do a plan and then have it presented to NCDOT and they say, "it's not feasible, it can't be built", so the county decided to embark on this program to identify locations, get the appropriate partners in the room, including the NCDOT, come up with some alternatives, select an alternative, and then move forward focusing resources on these specific locations.

Mr. Hansen explained the county first did this in 2014 where they got a grant from CRTPO through the Regional Transportation Planning Organization, a study was conducted, and they identified 54 intersections throughout the county. That list was whittled down to 15 and then they worked off of those 15 to get them funded; they did pretty well, 2/3rds of them are now funded for improvement. Mr. Hansen explained because of that they came up with another list of intersections (in-house) and came up with a list of 15, they looked at a variety of factors for what type of improvements. They wanted to make sure they were not spending their money on road improvements, intersections in particular, that would then be torn up as part of a widening. That is why people ask why there aren't any projects on Providence Road or Highway 84 through Wesley Chapel, it's because those are funded for widening and it would be terrible to spend a couple million dollars to upgrade an intersection just to have it torn out a few years later. The county is focused on intersections that are not going to get widened, that could be widened, or improved, and have demonstrated need, either because of safety, congestion, or because of high growth. The county identified an additional 15 intersections, and then went out and received additional grants to do design and cost estimate work to look at alternatives to take to the public for feedback and come up with a recommended design. The county grouped them into smaller chunks of projects, they did six last year, one of them has since been funded for construction, two others have some interim type of improvements such as four way stops funded for those locations and now they are in the second phase, which has five additional intersections.

Mr. Hansen explained Mineral Springs is the fourth presentation this week on those five intersections. The intersection of NC 75 and Old Providence was funded for a roundabout based on the design and the intersection of NC 200 and Old Camden was funded for an all-way stop based on the analysis that was done through this process. Four of the five intersections are inside municipalities, and it has been a great partnership working with the municipalities, as well as the NCDOT. Fairview at Hwy 601 and Brief made a decision on Tuesday night; they had an alternative between turn lane improvements on the side streets versus a roundabout, and they chose a roundabout. Poplin Road and Unionville in Indian Trail (in Monroe) was funded for an all-way stop, which is considered an interim project; the long-term project is a roundabout. In Marvin, at the intersection of Bonds Grove Church and Waxhaw Marvin they were presented with the alternative of squaring up that intersection with turn lanes and a signal or installing a roundabout and they chose the roundabout. Mineral Springs will receive a presentation on alternatives between a roundabout and a turn lane project at NC 75 and Potter. In unincorporated Union County, Hwy 200 and Plyler Mill (southwest of Monroe) will go to the Union County Board of Commissioners next Monday night where they will have to look at alternatives.

Mr. Hansen continued by explaining there was no selection to try and spread the projects out, this was strictly data driven, so this demonstrates there are transportation needs throughout Union County. In terms of the process, which started back in October, the study included collecting county traffic information (understanding COVID is going on) and they were able to take advantage of new technology involving Bluetooth data off of cell phones to replicate the traffic movements at intersections. They worked off of what was going on on the ground right now and on some alternatives that were feasible. Those were developed over the winter, and they went out to the public. Mineral Springs heard from the public in terms of the intersection here; overall Mr. Hansen thought it was close to 700 people responded to the different outreach tools available (virtual meetings, online interactive website and survey). Based on that feedback and based on expert analysis through the NCDOT, the consultant team, and the local stakeholders, they recommended an alternative, as well as the cost estimate that would go along with that.

Mr. Hansen explained they are now going to the municipalities in the county, so they can choose an alternative. Although your choice is not to choose one or the other, you could say “we don’t like either of them” and that is a viable alternative. That will go into the final report, which will be completed in June.

Mr. Hansen noted Mineral Springs is a partner in here, they are helping to pay for match. The project will be closed out and it will move into implementation by responding to funding solicitations from NCDOT or CRTPO to implement them.

Mr. Hansen explained Ms. Drake would now talk about the actual process that occurs and the alternatives that were considered for NC 75 and Potter.

Ms. Drake explained there was an online public meeting they did with Zoom, and they were able to get questions live and they also did an online interactive story map, which allowed the public to come in and click on different features of the intersections so they could learn about them and provide feedback. For this intersection specifically, 79 different comments were received; those are included in the council agenda packet.

Ms. Drake began with Alternative One, which is maintaining the signalized intersection and adding turn lanes. It adds left turns on all four legs of the intersection and right turns on Potter Road. Crosswalks and sidewalks were added to be in line with the town’s vision of having this be a more walkable community and providing connectivity and safety for pedestrians. Concrete medians were added close to the intersection to control driveway access making some of them right in and right out, which is a safety enhancement. This alternative potentially reduces crashes by 12% and injury crashes by 8%. There is a reduction in peak hour vehicle delay (peak hour is just the highest traffic hour during the day) by 56%, which is about 45 seconds. The approximate project cost is \$5,520,000, which is not just construction, it includes rights-of-way, utilities, construction inspection, and the engineering and design. Some of the feedback from the public on alternative one was they liked it had a lower cost and there were fewer impacts to the businesses surrounding the intersection; some did not like it because they had concerns about traffic backups, particularly over the railroad tracks and they felt the traffic signal would be less effective at reducing accidents. There were some general comments from a few folks that there was only an issue either not at all or only during just a little time of the day, so they felt like this was too much improvement for not enough traffic demand. There were also some concerns regarding cost impacts and time to construct a roundabout.

Alternative Two improves traffic flow and safety with a roundabout. Ms. Drake explained the roundabout adds a right turn lane on all four legs and a left turn lane on the western leg of NC-75 making that movement from east bound NC 75 going up to northbound Potter Road. This one also

has crosswalks and sidewalks for pedestrian connectivity and concrete islands to control the driveway access near the intersection. Old Waxhaw Monroe Road is realigned and there is a new driveway for the gas station; the objective was to provide a left turn lane there, as well as north bound into the gas station and pulling it a little further from the roundabout for safety and congestion. Alternative two potentially reduces crashes by 40% and injury crashes by 55%, which is higher than alternative one, because you tend to see less injury crashes with a roundabout. With a signalized intersection you can get T-bone crashes, where with a roundabout it is typically a small side swipe or rear-end crash. The average peak hour vehicle delay is reduced by 80%. The project cost is \$9,780,000. Some of the dislikes were that people felt like it was not compatible with the downtown, they felt like it was a pretty large footprint, and a little bit too much for the area. There were some folks that felt like it would be confusing to drive and challenging for pedestrians and cyclists to navigate. There are more impacts to the businesses surrounding the intersection with this alternative.

Councilwoman Critz asked if alternative two was comparable in size to the one at Rocky River Road.

Ms. Drake responded yes, the one thing with NC 75 is there is a lot of truck traffic, so they wanted to make sure it was sized appropriately for trucks to navigate the roundabout. This one would be a little different with the left turn lane from east bound NC 75 to north bound Potter, so it would be larger on that side than the one at Rocky River.

Ms. Drake pointed out there were two very different applications of a roundabout. The public favored alternative one with 44 votes and alternative two got 30 votes; a few folks said neither or no preference.

Councilwoman Critz referred to Fairview and asked Ms. Drake if she saw alternative one as being temporary and Mineral Springs would get alternative two as the actual solution.

Ms. Drake responded she thought this one was different than the Fairview one in that the alternative one for Fairview was a lower cost, smaller improvement, because it did not add a signal, it was just adding turn lanes. Ms. Drake felt like these ones are more comparable in terms of long-term solutions. There is not much they can do here without making a big impact, because the businesses are so close. There are utility poles right on the edge of the road, so just adding a turn lane is getting into the business parking lot. The challenge with this intersection was no matter what you do, you are impactful; Ms. Drake thought both were long-term solutions.

Ms. Drake pointed out the advisory committee did determine alternative one was the preferred alternative.

Mayor Becker asked Ms. Drake if the pedestrian crossings in the signalized intersection would include signal walk/don't walk signs.

Ms. Drake responded yes, it did have sidewalk connections on all the legs with crosswalk markings, as well as those push buttons on the signals to allow a pedestrian to cross.

Mr. Hansen referred back to the question about either alternative being the ultimate solution and explained they were going through the identification of the 15 intersections two years ago to figure out which ones they were going to go into design and Mayor Becker was a member of the committee that helped the review the data and make those final determinations and this one was included, took a breath and said "this is going to be full contact when we design this, because anything that gets proposed here is going to be very disruptive, but it also has the greatest opportunity, I think, of any of the projects of really being a place-making type of project". This is not just a "put in a turn lane"

type of barebones project. Either one of them is a holistic reimagining of downtown and there will probably be a mile's worth of sidewalks being installed. The roundabout in Marvin paid extra to have irrigation and utility work put into their two roundabouts on New Town Road, so they could landscape it, and now it is something attractive. There is no reason Mineral Springs could not do the same thing. The bottom line is both of them are going to be disruptive and the question is how much improvement you want and how much disruption you want. The turn lane project is less disruptive, but it is disruptive, and it costs a good amount of money, and it has a good amount of benefits. The roundabout gives you more benefits, it's going to cost you more and is going to have more impact. Mr. Hansen stated, "that's really what it's about and I don't see ever doing one and then saying 'oh we are going to do another one', that's just traumatic".

Councilwoman Critz asked for clarification on the connection between the utilities. "Are you saying that with these improvements we could get sewer and water or are you talking about irrigation, because one side of 75 has sewer and water and the other side does not and that could be an actual benefit to some retail or commercial or even", Councilwoman Critz questioned.

Mr. Hansen responded he was referring to having the ability to have electricity and irrigation lines to water your plants and maybe have signs. The utilities have to be relocated and moved out of the right of way for the new corridor. They are going to get moved, but when everything is up in the air and being moved about is the time to do some of those upgrades; you don't want to dig a ditch twice. Mr. Hansen explained this is why he talks about this being a true reimagining of downtown, because the town has the opportunity to fix some drainage or fix some utility lines or upsize some utility lines that may be necessary for downtown. Things are going to be moved on both sides of the road, so if something the town needs to do to make things work in their downtown is to have a sewer line on the other side of the street this is the time to do that.

Mayor Becker pointed out it was accessible to both sides.

Councilwoman Critz added it was private land and the town does not have the say so to what the landowners wind up doing. It would be nice, because there are people interested in doing some things they are limited in doing for various reasons.

Mr. Hansen commented this was going to be very disruptive, high opportunity, but high cost. "It's a big decision you guys are being asked to make", Mr. Hansen said.

Mayor Becker commented he understood Duke Power has gotten expensive with pole relocation and it might be an opportunity to have electric lines underground in the immediate downtown, which would be a huge plus visually for the downtown area since it has to be moved anyway. This is a possibility, which would come in the design phase later.

Mr. Hansen stated all it takes is money.

Mayor Becker commented the council will recommend a plan tonight, but the funding process is a different thing. Could Mr. Hansen explain some of the funding sources and how it works, what the town might need to come up with as a match and how that would work if the town decided to go forward.

Mr. Hansen responded the term "shovel ready" has become popular in the last decade and he likes to say, "you make your own luck". Mr. Hansen explained, if you just have a good idea, but you haven't vetted it in any way and grant solicitations come along, like they always do, but you never know when, they just kind of show up one day and if you haven't done your homework, you are not in a position to respond to them. By doing this work, having a design that has been shown to be

effective, and shown to be feasible, that has been scoped out, that has been approved, and that has been reviewed with the public, you are in a position to respond to it. This whole critical intersection program is all about partnerships, it establishes that we are willing to work together and have faith in the other organizations, whether it is the DOT or the county or whomever. Doing this work today is very important to being able to respond in the future. If you see it comes from a plan, you can demonstrate this work you have done, that makes the funding agency feel a lot better about giving you money. It will also reduce your cost or risk of cost overruns in the future, especially for smaller communities where it is a labor of love to come up with a local match, to be able to come back and say “oh, we need another half million dollars” is really a gut punch. We try to do this work up front and ensure that you don’t have to or minimize the risk of having that happen.

Mr. Hansen explained to the council they would never pay for this on their own, they would always go for grants and grants are generally a 20% local match. The county has been trying over the last few years to partner and incentivize the municipalities to apply for grants. Referring to the turn lane project, which is 5.5 million dollars, 20% of that is 1.1 million dollars, and half of 1.1 million is \$550,000. Mineral Springs could say “we have \$550,000, Union County would you put in \$550,000?”, or if the town had a large development come along and they had a traffic impact study, if the town said, “you come up with \$550,000 for your impacts and we will go get a grant and do the rest, and that will mitigate your impact”. The county had that happen with a large project on Potter Road. The developer contributed almost \$400,000 to help with the intersection at Hwy 84 and Potter, so it is possible. These arrangements do happen, it often takes a cobbling of sources together, but this is where it starts, because if you don’t have the same sheet of music, then you really aren’t in a position to respond to those funding opportunities.

Councilwoman Coffey commented alternative one appeared to fit the culture of who the town is more than alternative two, because it seemed to be overboard for what is needed in Mineral Springs.

Councilwoman Krafft stated she agreed with that. Alternative one is so much more the town than the other.

Councilwoman Critz agreed, the only thing that ever pops into her mind that takes her breath away for a second are the trucks, especially all the ones carrying all those heavy logs, but she still thought the town would be appropriately served by alternative one.

Mayor Becker explained he deals with funding monthly at CRTPO and a lot of these projects are not necessarily part of the regular ten- or twenty-year STIP plan. These are different grants, many of them are Federal based and they are very much targeted to these types of local projects, and it allows them to happen quicker. There is an annual funding cycle on some of these grants, so a project could be done in a couple of years.

Mr. Hansen responded that was correct, this is happening on a yearly basis whether it is a solicitation for funds, this fall there will be on order of \$15,000,000 available. That is not just Union County, it is Mecklenburg, Iredell, and Union, which is like 1,500,000 people, so it is not going to go that far, but it literally happens every year. Mr. Hansen noted Union County had great partnership with NCDOT, because if the county had to administer the grants themselves, that would be bad, because they are complicated and anything done infrequently guarantees incompetence. DOT does it all the time, it may take them a little while, but they get it done and they get it done correctly.

Councilwoman Critz asked Mr. Hansen if there were any grants that he knew of that Mineral Springs could be pursuing currently.

Mr. Hansen responded there was one this fall with CRTPO, but he did not think the traffic was there yet at this location to make it competitive. This is a lot of project relative to the amount of congestion. It is at that point with just enough traffic on Hwy 75 and if the town got a couple good subdivisions in this area on Potter or Hwy 75 and it is just going to have a disproportionate impact on the safety and congestion in the area.

Councilwoman Critz responded depending on where you are going, they just concluded over 500 apartments on Hwy 75 inside the Waxhaw limit and when they pull out of their parking lot they are going one way or the other on Hwy 75.

Mr. Hansen explained Union County is out of sewer and Monroe is really benefitting. Monroe has over a thousand dwelling units that are being built in just two subdivisions that are off of 200 and then on the south side of Monroe. There will be more traffic in this area and then we are collectively going to say, "we need to do something" and we would go and submit. By Mayor Becker participating through CRTPO, that is the forum to get the money for projects like this.

Councilwoman Critz asked Mr. Hansen if he was thinking, as far as the 15 he was looking at now, would Mineral Springs be on the lower end of the scale as far as current traffic and current need.

Mr. Hansen responded there are so many municipalities that are involved in these projects and for every municipality it is probably their number one project. The county does not look at it in that kind of order, they look at people that come to them. Whoever responds and wants to do something are the ones the county will partner with and if it is Mineral Springs number one project and Mineral Springs is willing to move forward, then Union County is the town's partner.

Mayor Becker mentioned Mineral Springs kind of made the cut a year to a year and a half ago in the initial phase, but there was another project and Mineral Springs got taken out.

Mr. Hansen responded there was one in Indian Trail that was taken out, because they did not want to compete with another project.

Mayor Becker commented that it created another opening and Mineral Springs was the next one up and right on the edge. It is data driven based on the number of crashes, number of vehicles per day, types of crashes, congestion, and Mineral Springs was just below the cut off and then when there was another opening, Mineral Springs was the next one up. As Mr. Hansen says, "it's static, it's moving all the time".

Mayor Becker commented everyone seems to like alternative one and the town could go on record with a motion if the was what the council believes, so Mr. Hansen can wrap up the four municipal projects.

Councilwoman Coffey motioned that alternative one is the agreed upon recommendation and Councilwoman Krafft seconded. The motion passed unanimously. Ayes: Coffey, Countryman, Critz, and Krafft. Nays: None.

Mayor Becker thanked Mr. Hansen and Ms. Drake for coming out to give the presentation and he hoped the council got some good information out of it. It has been a long process and the town appreciates it.

Mr. Hansen responded they appreciated the partnership.

Councilwoman Krafft asked how advertisement was done for people to respond to.

Mr. Hansen responded there was a lot of Facebook, and they did a buffer of a quarter mile. There were quite a few property owners that got a mailer. There was social media, email, the sunshine list and then whatever the towns did.

Ms. Drake added there were 670 total responses.

Mr. Hansen commented two thirds of them were people in Marvin and Waxhaw for the Bonds Grove - Waxhaw/Marvin Road intersection.

Councilwoman Critz stated she really appreciated the work and referred to Mr. Hansen mentioning Providence Road. The widening all the way into Waxhaw has been on the Chamber of Commerce map for over four decades. "I remember being the most naïve, dumbest girl in the room when I first saw the maps 20 years ago and got excited and this very kind gentleman came up to explain to me that wasn't going to happen anytime soon. He could see my genuine naivete, so yeah, I have learned the hard way over 19 years. Serving the community, even though it is in writing, and even though it is recognized, it's not necessarily going to happen anytime soon. Some of it probably not in my lifetime", Councilwoman Critz said.

Mr. Hansen commented people said the same thing about the Monroe Bypass. Now it is open and people are using it, so these things do happen, but unfortunately, don't happen as quickly as we might want.

Councilman Countryman asked, now that the council has blessed alternative one, "what's on the table now, where do we go from here, what are you going to do".

Mr. Hansen responded if the town wanted this fall to respond to the CRTPO solicitation and they had 1.1 million dollars they could commit, it wouldn't be today, but it would be over the span of several years. If the town had 1.1 million dollars available, they could and the DOT said "yeah, we'll administer this for you", the town could go submit the project for consideration and 12 months from now the town might be saying "yup, we've got a funded project", but that is probably aggressive.

Councilman Countryman noted what he was hearing Mr. Hansen saying was "all of a sudden, it becomes our responsibility".

Mr. Hansen responded Union County would never submit this project on the town's behalf without consent and probably without some of the town's money. The county is not going to pay for it, they do not have the ability to and Mr. Hansen did not think the county would, because that sets the precedent for other people to say, "oh, it's free lunch time". The county looks for partnerships, because they do not have the money to do it on their own, so they look for some sort of cost share of the local match and commitment by the DOT to administer it and submitting it based on whatever solicitation works for our schedules.

Mayor Becker commented this would be going through the CRTPO. Mr. Hansen conducts a quarterly meeting of the Union County delegates, which is the conduit by which discussion could begin to discuss it and get some interface with Mr. Hansen. The TCC, which is the tech body of CRTPO, manages and guides things like these solicitations. That is the mechanism by which the town has the opportunity to communicate with CRTPO, which might be the clearing house for available grants. As Mr. Hansen says, this fall might be too soon but the fall of 2022 might be a really good time to be looking at the CRTPO people and tech people and submitting something.

Councilwoman Critz asked Mr. Hansen if he had mentioned splitting that 20%, so the town would come up with half of that \$1,000,000.

Mr. Hansen responded yes, that's an arrangement, but that is informal. Mr. Hansen thought no matter what, the county was never going to put in more than a municipality would put in. Mr. Hansen thought because there is development in the area and this intersection is a choke point, the town had opportunities to say, "you can't make that improvement at that intersection, but your traffic analysis says there is a problem there, we have a solution, we need you to commit to help bring that solution about". Those are the types of opportunities that having a design like this to point to that allows the town to take advantage of developments like that.

Mayor Becker commented the town was in a good situation with the Shannon Farm property down by Western Union School Road, which Chris Platé of Monroe/Union County Development is aware of, so it could even be an economic development incentive to have that corridor more open to get across Hwy 75 and not have a bottleneck. There could be incentives for the county to see it as a valuable partnership.

Councilwoman Critz commented the town is getting the ball rolling rather than just being stagnant.

Mr. Hansen responded that was an important step, "you can't get to second base, until you pass the first base".

Mayor Becker commented he thought it was important to have a concrete, professionally-produced alternative design concept.

Ms. Drake mentioned RS&H was putting together a study workbook, which will have all the data summarized, so when it is time to come for funding, the town will have all that information readily available when they apply for these grants.

7. Consideration of Resolutions Opposing S349/H401 and H496 – Action Item

MEMO

To: Mineral Springs Town Council
From: Rick Becker
Date: May 5, 2021
Subject: Resolutions Opposing Two General Assembly Bills

There are two bills that have been introduced in the state legislature that will have a profound negative effect on all local governments' including Mineral Springs's – ability to regulate land use, development, and tree preservation.

House Bill 401 (and the identical Senate Bill 349) would force ALL local governments statewide to allow so-called "middle housing" types in all residential zoning districts. "Middle housing" includes duplexes, triplexes, quadruplexes, and townhouses, which would all be reclassified as "single family" if this bill becomes law. Areas without water and sewer service might not be required to allow all of these housing types, but the bill would force local governments to allow them if they "through extension MAY be served" (emphasis mine) or there is "a wastewater collection or treatment works, the operation of which is primarily to collect municipal or domestic wastewater and for which a permit is issued under Part 1 of Article 21 of Chapter 143 of the General Statutes". Such "treatment works" would include private sewer treatment facilities such as package plants according to the definition in Chapter 143. The bill would also force the local governments to allow "accessory dwellings" on any lot in any residential zoning district.

Mineral Springs, as is the case with most local jurisdictions, already allows such housing types either by right or by special use permits in several zoning districts, so this bill which purports to "increase housing opportunities" really all but eliminates local residential zoning authority and replaces it with a "one size fits all" state mandate.

House Bill 496 would eliminate all tree-protection and preservation ordinances that apply to private property unless a local government has sought and received its own legislative approval for such regulation through a local act. Currently, most jurisdictions (including Mineral Springs) have very limited tree-preservation authority granted as part of the general police and land development regulation powers in the general statutes. This bill would repeal such authority and would repeal any related local ordinances, including tree preservation as part of the development approval process.

Both of these bills are an attack on the very foundation of local government regulatory authority. Current land-use regulation is already strictly governed by state law and local governments are already allowed only limited authority within strictly-enforced and narrowly-written enabling statutes. Contrary to the implication of these bills, local governments do NOT have unlimited or capricious authority over

land development and tree preservation, and the bills seem to represent “a solution in search of a problem”.

I have attached drafts of two resolutions, one opposing each of these bills. Council may have some suggestions on wording. I would suggest that Council consider each resolution in a separate motion. If adopted, we will send copies of the resolutions to the Union County delegation, members of the committees that are scheduled to report on the bills, and house and senate leaders. Council members might also wish to contact our senator and representatives individually. Representative David Willis represents most of Mineral Springs, and Representative Mark Brody represents a small southeastern sliver of the town. Senator Todd Johnson represents all of Mineral Springs.

Representative Brody is a primary sponsor of both of these bills.

Mayor Becker referred to his memo and explained the council had two resolutions for two bills that are pending in the House, which both seem to be unfriendly to the municipal interest in regulation of zoning and planning. Mayor Becker commented this was not a good update. One of the bills would repeal any tree protection ordinance statewide. The bill passed the full House and it is now in the Senate; each time they did it, it was a one-page bill to repeal tree ordinances and now it is two to three pages making it stricter in terms of how they said “you have no authority to do anything like this”. Mayor Becker recommended there was no point in sending [the resolution] to any of the House members, because it has passed. Mayor Becker suggested dealing with Todd Johnson with the Senate Committee that will be hearing it. Mayor Becker stated he would also be happy to send the resolution to the Governor asking that he veto it.

Councilwoman Critz commented Mr. Johnson did have familiarity with all of this area and with the philosophies; he worked with the county, Mineral Springs, and other municipalities here. Councilwoman Critz believed Mr. Johnson had a good vision for the maintenance of agribusiness as well as a more rural value. Councilwoman Critz stated she did not understand how they get to this conclusion and completely disregard the environmental health aspect of it.

Mayor Becker responded developers care about their financial health of profitability of their projects; trees are in their way.

Councilwoman Critz stated, “trees may be in the way, but they provide sustainable oxygen into our communities and keep it; it’s like a no brainer.” “This flies in the face of everything Mineral Springs stands for and I am sure in flies in the face of a lot of other”, Councilwoman Critz said.

Mayor Becker explained the other bill was forcing duplexes, triplexes, quadruplexes, and townhouses into every single residential zoning district statewide. There are places where a municipality is looking to make more and more places available for duplexes (for example) and that is their decision, they are looking at that on a microscale. Try going to 550 municipalities in 100 counties, if there is a residential zoning district, this bill is forcing you to allow all this type of housing no matter how dense it is. “It doesn’t make sense, but that is my opinion, and we seem to have a consensus on that here”, Mayor Becker said.

Councilman Countryman motioned to approve both resolutions and Councilwoman Coffey seconded. The motion passed unanimously. Ayes: Coffey, Countryman, Critz, and Krafft. Nays: None.

The resolutions are as follows:

TOWN OF MINERAL SPRINGS

**RESOLUTION OPPOSING H401/S349 “INCREASE HOUSING OPPORTUNITIES”
IN THE NORTH CAROLINA GENERAL ASSEMBLY**

R-2021-03

WHEREAS, one of every local governing board’s primary purposes is to represent the desires of its citizens and to serve as a voice for the greater good of the community; and

WHEREAS, local regulation of land use and development is of paramount importance to protecting the well-being and quality of life for Mineral Springs residents; and

WHEREAS, House Bill 401 and Senate Bill 349 explicitly deny local governments the ability to effectively regulate land use and development in their jurisdictions; and

WHEREAS, North Carolina law, especially newly-enacted Chapter 160D, already imposes strict guidelines and limits on how local governments may regulate land use and development; and

WHEREAS, Mineral Springs has invested hundreds of hours and tens of thousands of tax dollars into adopting a development ordinance that reflects the input of citizens, planning professionals, and other stakeholders while diligently following all statutory requirements; and

WHEREAS, the Mineral Springs development ordinance already allows so-called “middle housing” types and accessory dwellings in multiple residential zoning districts; and

WHEREAS, forcing higher-density housing situations into every residential zoning district in every local jurisdiction as a matter of state law represents an inappropriate “one size fits all” mandate that bypasses the sound judgment and careful study undertaken by those local jurisdictions to be responsive to the individual needs of their residents; and

WHEREAS, local governments, closely guided as they are by their residents, are in the best position to determine which housing types are most suited to various locations throughout their jurisdictions.

NOW, THEREFORE, BE IT RESOLVED that the Town Council of the Town of Mineral Springs hereby opposes H401/S349 in its current form and requests that the North Carolina General Assembly drop this bill from consideration.

ADOPTED this 13th day of May, 2021.

Frederick Becker III, Mayor

ATTEST:

Vicky Brooks, CMC, NCCMC

TOWN OF MINERAL SPRINGS

**RESOLUTION OPPOSING H496 “PROPERTY OWNERS’ RIGHTS/TREE ORDINANCES”
IN THE NORTH CAROLINA GENERAL ASSEMBLY**

R-2021-04

WHEREAS, one of every local government’s primary purposes is to protect the health, safety, and well-being of its citizens while serving as a voice for the greater good of the community; and

WHEREAS, trees, especially mature specimens that make up a region’s existing canopy, are a large contributor to that health, safety, and well-being as they generate atmospheric oxygen, sequester carbon, and reduce stormwater runoff and flooding; and

WHEREAS, tree preservation and retention requirements as part of a development plan are permissible under general authority granted by existing statutes; and

WHEREAS, the right of private landowners to remove trees on their property is already secured and protected by statute outside of the development approval process; and

WHEREAS, allowing developers to receive credit toward landscaping and buffer requirements for protecting existing trees during the development approval process facilitates efficient, cost-effective, and desirable outcomes; and

WHEREAS, arbitrarily eliminating the ability of local governments to regulate tree removal during the development process wreaks havoc with and creates conflict with already-approved landscaping plans and tree-preservation agreements; and

WHEREAS, demanding that local governments seek individual state authorization through local acts for tree preservation and protection introduces further inconsistency and confusion into the process of development approval; and

WHEREAS, H496 creates multiple conflicts with existing law including laws governing tree preservation in riparian buffers and laws delaying development approval following clear cutting, and hampers the application of sound urban forestry principles to tree management in developing areas.

NOW, THEREFORE, BE IT RESOLVED that the Town Council of the Town of Mineral Springs hereby opposes H496 and requests that the North Carolina General Assembly drop this bill from consideration.

ADOPTED this 13th day of May, 2021.

Frederick Becker III, Mayor

ATTEST:

Vicky Brooks, CMC, NCCMC

8. Benchmark Planning Information for Scope of Services Quote – Action Item

MEMO

To: Town Council
From: Vicky Brooks
Date: May 6, 2021
Re: Agenda Item # 8 – Benchmark Planning Information for Scope of Services Quote

Ms. Erin Burris from Benchmark Planning has requested more information from the town on the services they want to have included in the Scope of Services quote for revising the Land Use Plan.

Does the council want Benchmark Planning to do a new survey?

How many workshops does the council feel will be appropriate?

Does the council want a public drop-in public workshop? If so, how many?

Mayor Becker explained Erin [Burris] from Benchmark had some questions before they could produce a Scope of Services.

Ms. Brooks asked the council if they had any answers to the questions.

Councilwoman Coffey responded she saw number one and it is a yes, of course the town needs a new survey. It has been a moment since one was done. How many workshops does the council feel will be appropriate? Councilwoman Coffey stated one good workshop, because they do not need to talk it to death. “State the facts, people will be here and hear it and make their decisions”. Then have one drop-in.

Councilwoman Critz agreed with Councilwoman Coffey.

Councilwoman Critz commented she was sure one drop-in was enough, but she did not know enough about how they present everything to know if the town needs one or two for the council and then one for the public. Is there a recommendation from them?

Ms. Brooks responded one or two, the more workshops the town has the higher the cost will be. It is really up to the council on how many workshops they have.

Councilwoman Critz commented she did not know how much material they were going to be covering, so it was difficult for her. Ms. Ridings did give Councilwoman Critz a copy of the Land Use Plan and Vision Plan tonight. Councilwoman Critz asked if the town would be going through them in their entirety as far as redoing/reviewing it.

Ms. Brooks responded she believed Benchmark would go through it and present it to the council with a draft document.

Mayor Becker commented his feeling was Benchmark would not duplicate the Vision Plan, which is 16 years old, there would not be as much detail, but it would take a lot of the high points of that with some of the graphics from that and a lot of the bullet points from the Land Use Plan and just consolidate it into a comprehensive plan; it will be modernized a little. The current Land Use Plan is a little haphazard, because it is two documents that were merged.

Councilwoman Critz asked if the town would receive a draft to review.

Ms. Brooks responded of course the council would get a draft. Part of this process will be like what the town did with the Unified Development Ordinance, there will be a Steering Committee; there will be many people going over it and the council will select who they want to be on that Steering Committee. Ms. Brooks asked the council if they wanted the Steering Committee to be just the planning board with a liaison from the town council. Does the council want to do what they did with the UDO, where it was two council, two planning board, and two board of adjustment? That is a decision the council will make in this process.

Councilman Countryman asked what the timeframe was for this. "Are we looking at taking steps now over the next four, five, or six months?"

Ms. Brooks responded yes, the town has not even got quotes yet, so it is going to be awhile; we have until June 30, 2022, to get a Land Use Plan [updated].

Councilwoman Critz stated she thought one council meeting would be appropriate as long as they got a draft at least two to three weeks prior, so they have plenty of time to review it.

Councilwoman Krafft stated one would be fine.

Ms. Brooks commented the public drop-in could go in the newsletter.

Ms. Brooks explained she did contact N-Focus right after the last meeting and was asked by the secretary if their quote was just going to be something the town had to have or did they actually have a chance at getting the bid and Ms. Brooks responded to that by saying "of course". Ms. Brooks continued explaining the town council asked for Nadine [Bennett] who is no longer working with N-Focus; she took a full-time job in Matthews. Ms. Brooks has not heard back from N-Focus and thought they did not want to give the town a proposal.

Councilwoman Critz commented that Nadine was the only reason she wanted to work with N-Focus, because Nadine is a step ahead of the game by knowing Mineral Springs so well already. Councilwoman Critz stated she did not consider not hearing back from N-Focus a great loss if Nadine was no longer in the equation.

Councilwoman Krafft agreed, except she does not care for the person that the town worked with the last time, because she just did not hear or understand our town and that was extremely disappointing to her.

Councilwoman Critz asked if the council could specifically ask for someone new or if there was a place on their website where they could view their staff to see who else might be available.

Mayor Becker referred to Ms. Brooks saying she had the opportunity to work with that staffer where she is a little more in tune with what the town is doing.

Ms. Brooks responded she did not have a problem working with Ms. Burris; she has a good working relationship with her.

Mayor Becker commented Ms. Burris may have gotten more acclimated to what Mineral Springs is doing.

Councilwoman Krafft commented Ms. Burris just did not listen to what Mineral Springs was about; she wanted to put the town in a cookie cutter and “we are not a cookie cutter kind of place, we think out of the box, she didn’t want to think out of the box, she had a plan and that’s where she was going to put us”.

Councilwoman Critz responded that was different than a working relationship. Ms. Brooks may work with her fine, but what Councilwoman Critz was hearing Councilwoman Krafft say to her is basically her ideals and the towns ideals do not mesh.

Ms. Brooks asked Councilman Countryman, who attended every one of the meetings, how he felt about Ms. Burris.

Councilman Countryman responded he did not have a feeling one way or the other and he did not know what went on with the planning board, but he found Ms. Burris to be extremely knowledgeable and up to date with all the statutes and things that needed to be changed, rewritten, adjusted, or reworded. Councilman Countryman stated he did not have any issues with Ms. Burris, but he did not see what Councilwoman Krafft did, because he was not there, he just saw the result of what got put on paper.

Councilwoman Coffey commented Ms. Burris had a way of talking down about the town.

Councilman Countryman noted he did not remember that.

Councilwoman Coffey responded, “she did, a few comments came out. Ms. Burris felt that we weren’t quite up to speed, that we were a little behind the times and she couldn’t see how we could be in that spot, she expressed that a couple of times”.

Mayor Becker asked if Councilwoman Coffey thought Ms. Burris had gained a better understanding.

Councilwoman Coffey responded it was just who Ms. Burris was and she was fine with it if Ms. Brooks can work with her. Councilwoman Coffey added she probably would not be working with Ms. Burris this time but thought she had missed a bullet a time or two; “that’s how bad she was”.

Councilwoman Krafft commented she thought Ms. Burris was knowledgeable.

Councilwoman Coffey agreed Ms. Burris was knowledgeable, but it was the way she approached the board and talked to them; “you don’t do that”.

Councilwoman Critz stated she did not know if all of the council remembered, those few that were around when the town worked with UNC Charlotte, but Mayor Becker and she first met with them before they took the town on, they had exposed themselves to so many resources from around the nation, even from Hawaii, that they had so broadened their vision that they had no trouble wrapping their knowledge around a variety of different concepts. When they came to Mineral Springs, they definitely had to change gears, but they didn’t have a problem embracing and catching on and if they had not done that, Councilwoman Critz didn’t think the town could have had the type of success they had, because they embraced the town’s vision. Councilwoman Critz commented she thought that was what Councilwoman Coffey and Councilwoman Krafft were concerned about.

Councilwoman Critz explained she wasn't there, but if that was true, then she is also concerned, because she thought it was imperative that someone, even if they don't agree with it or they have never lived in it, they wouldn't want to live there, they need to be able to embrace the value of it and be on the same page.

Councilman Countryman responded he thought that was part of the council's responsibility to ensure that they understand. "If they come across as, you know, I don't think we really ought to do that, then, I mean, I'm sorry but we are paying you and that's what we want to do and that's the way you need to write it down; that's my attitude".

Ms. Brooks mentioned that Ms. Burris was from Mt. Pleasant, so she does have a small-town philosophy.

Councilwoman Critz asked if Ms. Brooks felt comfortable enough talking to Ms. Burris to say that some people that worked with her in the past were concerned that she might not appreciate and value some of the directives that the town has in the community.

Councilwoman Coffey commented, "we got through it, I don't think we need to readdress that. I just think we need to go forward, and Ms. Brooks is going to be the one working with her, so if she's fine with it, I'm fine with it, because this is the most important aspect".

Councilwoman Critz stated, "no, I agree, but she's got to cover".

Councilwoman Coffey commented Ms. Brooks has a good relationship with Ms. Burris and the town could have checked her, but they didn't, they chose not to.

Councilwoman Critz commented if you are always correcting someone and the bottom line is Ms. Brooks and the Steering Committee will be redoing the Land Use Plan, not Ms. Burris, and that is what would have happened in 2005/2006 if they hadn't embraced the town's vision. "Then we would have been guiding them to the point to basically we would have written it and I don't want that to fall on you either", Councilwoman Critz said.

Councilwoman Coffey noted the council could pull up Benchmark and all of their employees on the website and read their bios.

Mayor Becker mentioned if the town ended up with getting just one proposal, because it is a professional, not like a bid from a contractor, they will have to do that process of the Mini Brooks Act. The town doesn't have to have multiple bids for a professional (i.e. accountant, engineer, surveyor, planning consultant) if they don't have any others, legally there is no problem, just have to state this was the proposal the town solicited.

Ms. Brooks stated she would touch back with N-Focus.

Mayor Becker asked if the council just needed to do a motion, he thought the consensus was yes to a survey, one public drop-in workshop.

Councilwoman Coffey motioned that we are giving her the information so she can submit a proposal and Councilman Countryman seconded. The motion passed unanimously. Ayes: Coffey, Countryman, Critz, and Krafft. Nays: None.

9. Consideration of Having the Nonprofits Provide Letters of Request vs In-Person Presentations – Action Item

Mayor Becker explained when the council was not meeting in person, they informally narrowed down the four regulars. The town has heard from a couple of them, and the council did not have them come in person, because of Zoom. Mayor Becker asked the council how they felt, would they accept letters and not have them in person if that is what they wanted. Does the council have any specific guidance on some of them? Mayor Becker mentioned Andrew Friend sent a letter saying he wanted to come.

Ms. Brooks mentioned Sheila Crunkleton and Andrew Friend were willing to come next month. Turning Point just sent a letter.

Mayor Becker mentioned he talked to Catawba Lands Conservancy practically every week, they may or may not come (they like coming), but they do not have to. In the interest of time, sometimes when they are all here it takes hours.

Councilwoman Coffey agreed 100% with letters of request.

Councilwoman Krafft agreed.

Councilwoman Critz thought they should have the option, she enjoys hearing from some of them when they come, but letters would be fine, so it is on them to do either.

Ms. Brooks commented she did not mean to give them a choice, she thought the choice should be the council's.

Attorney Griffin recommended that the council keep it under their control as to what they want.

Councilwoman Coffey responded, "letter."

Mayor Becker asked if staff should tell them to submit letters with "the usual".

Councilman Countryman commented it shortens the meeting.

Councilwoman Critz stated she would like the letters to include how it impacts our area, so the council knows that they are active in our community. Councilwoman Critz knew some of them, like Turning Point, cannot be specific for reasons of confidentiality, but just a little bit of information overview of how they impact our community.

Councilwoman Krafft stated she was like Councilwoman Critz, she enjoys the presentations, but she thought they should have the option of giving the letter if they do not want to do a presentation. Councilwoman Krafft stated she did not understand why they would want to tell them that they have to do one or the other.

Councilwoman Coffey responded they are not; they are telling them to do a letter. "Let's be real, we can read the letter and see all of their criteria that they do for selection and how they help us and all that can be in a letter in the packet, they can send a packet", Councilwoman Coffey said.

Mayor Becker mentioned these were not new agencies and they are not new first timers.

Councilwoman Krafft stated she thought what she was thinking about is that as long as we are all here and we have already heard their presentations several times, that is great, but "let's say we

are not the ones in these seats and it's new people, then they haven't heard those presentation and they don't know the impacts that's coming."

Councilwoman Critz asked if this was set in stone.

Mayor Becker responded it was not a permanent policy; it is just for this year.

Councilwoman Coffey suggested the council visit the nonprofits or look them up online, because "seriously, when people come to you, they are bringing a bouquet of roses, they are going to paint that picture, you still need to investigate", Councilwoman Coffey said.

Councilwoman Coffey motioned to request the letters with the documentation of what they do for us and Councilwoman Krafft seconded. The motion passed unanimously. Ayes: Coffey, Countryman, Critz, and Krafft. Nays: None.

Attorney Griffin commented he thought he had suggested before that some towns have an application.

Mayor Becker responded maybe next year the council should formalize that application form, so it is standardized for all of them.

10. Consideration of the 2021-2022 Budget and Calling for a Public Hearing – Action Item

Mayor Becker explained he did pretty much everything he said he would do with the 2021-2022 budget; "pretty much nothing has changed", but the revenue side was not available. Mayor Becker stated he did do the revenue neutral calculations, and he gave a long explanation of how that worked [in the budget summary]. The revenue neutral, theoretically based on what information the town has (which is not 100% complete), would have been about 1.95 cents as a tax rate, and the town is charging 2.5 right now. Mayor Becker mentioned Councilwoman Krafft had talked about a little bit of wiggle room (a little buffer) and he felt that same way. Mayor Becker explained he talked to Vann Harrell about the figure the town had been given by the county for the estimated tax base, based on the revaluation. All of the appeals haven't been heard yet. Mr. Harrel will be telling the county commissioners to use 2.5% or so, because more could be reduced. Mayor Becker pointed out the council could see he built that into the formula, and the town's rate is so low, 2.1 cents is a couple of thousand dollars above revenue neutral, but it is a big reduction from 2.5 to 2.1, so splitting the difference is what he is recommending. Mayor Becker asked the council about council salaries that Councilwoman Critz and Ms. Brooks had done some work on.

Councilwoman Critz explained she took Fairview, because its population was comparable to Mineral Springs, they have a little bit larger population, but they do not really get involved in extra duties and things like that, and they meet once a month. "Right now, we are pretty comparable, we are exactly like them, I was looking at them as being a smaller town, be we have, the major differences that I saw there, number one is our geographic location, they are not receiving the pressure of building, development coming their way, development within their community, surrounding pressures that we are dealing with, so then I called over to Wesley Chapel, I actually talked to Teresa, their clerk at Fairview for quite a while, really nice lady. I didn't actually get a live person at Wesley Chapel, so I just want credit for this since I am not known for being technologically advanced, I went to Wesley Chapel's website and got their budget and did the math myself. As I looked at what, all these meet wants, Wesley Chapel does have more development pressure and significantly more population than we do, but they are our neighbor and we are facing pretty much the same types of pressures, except they are more centered to the more development than we are. What I did, I felt like those were the, the sort of the two that I was looking between. We do more than Fairview and we do less than Wesley Chapel and have less demands on us, so I looked at their salaries and sort of splitting

the difference, I was looking at recommending that we increase the council's salary by \$100 and we increase the mayor's by \$150 and that's sort of splitting the difference between the two communities that we sort of fall in between", Councilwoman Critz said.

Councilwoman Coffey asked if Mineral Springs had the same population.

Councilwoman Critz responded no, Mineral Springs is close to Fairview, but they are a little bit more. Fairview has more square miles with a lot more agribusiness. Fairview is also not involved in a lot of the CRTPO and things like that, which Mineral Springs is involved with outside of our community and they have not served on county committees and things that Mineral Springs has done over the years. "There is a lot less active pressure on their mayor and council, so when you start looking at the fact that we are actively doing more than them and actively doing less than Wesley Chapel, but we are direct neighbors that are facing a lot of the same kind of pressures. The mayor's salary, by the way, there, is \$500 a month and it comes out to \$6,000", Councilwoman Critz stated.

Mayor Becker noted the mayor in Mineral Springs should not be more than Wesley Chapel.

Councilwoman Coffey commented she thought (in her opinion) if we do right where we are in these times, when we are under the challenges that we are under with all of the COVID and even though it may be skewed to unemployment, she was not in favor of a raise.

Councilwoman Critz explained she had stated it wrong in her conclusion that she had written to herself, which she should have looked at her own notes closer, was to increase the council salary by \$50 a month and the mayor's by \$100, which is splitting the difference and putting Mineral Springs up to a more equitable field with other communities.

Councilwoman Coffey asked if that was in light of the population the Mineral Springs council serves.

Councilwoman Critz responded that was correct. "The more activity, the pressure on us is not going, the things that keep us busy are not that we have fewer or more constituents, it's the position we are geographically and the pressures that surround that as far as, like tonight, we've got an intersection, it's a major intersection that needs improvement. Fairview is never going to, probably, they've got an issue, but it's never going to be the same. They have a problem, they're addressing it, but they don't have the traffic issue and probably not ever going to. Whereas, Wesley Chapel is, so when you talk to some of their council members, which I have not done in several years...I don't really know the new ones but having known the old ones and had lots of conversation with them in the past. We do face a lot of the same situations in Mineral Springs that they do in Wesley Chapel with the difference being population. So, the, pardon me for saying, ink does not show up on this blue, so in my defense, the recommendation I came to was \$50 a month more for the council and that's only if we are in agreement and \$100 more for the mayor. If we do get into this grant issue with CRTPO, Mayor Becker is going to be putting in a lot more time and energy, which we all do. It's an off and on kind of thing. It's not like, the pressures of our community and the demands of population and traffic are only going to increase, they are not going to decrease. So, I don't have a problem leaving it, I also don't have a problem increasing by \$50 for the council and \$100 for the mayor, and I apologize for saying that in the beginning", Councilwoman Critz said.

Councilwoman Krafft stated, "I will say that I do believe that Mayor Becker's getting ready to put in a lot more hours with the grant writing, I mean, it's going to be taxing, there is no doubt about that and with the rewriting of the Land."

Councilwoman Critz responded, "I was not looking as just if someone needed more money in their stipend, that is not how I was viewing it."

Councilman Countryman noted Councilwoman Cureton was very concerned and so on behalf of Councilwoman Cureton and also to the point Councilwoman Critz made, he did not think \$50 was significant, although he personally hated raising his own salary, but given the fact that the council/mayor all works hard here and \$200 a month is not overcompensation for what they do.

Councilman Countryman motioned that we increase the mayor's salary \$100 a month and ours by \$50 a month and Councilwoman Critz seconded. The motion passed. Ayes: Countryman, Critz, and Krafft. Nays: Coffey.

Councilwoman Krafft asked Mayor Becker what the property tax was last year.

Councilwoman Critz asked Mayor Becker if he were recommending lowering it to 2.1, "because that sort of got squashed."

Councilwoman Krafft stated her thought process was that they just heard this thing about having to come up with a half a million to do the intersection or to be part of the map to do the intersection, which would no doubt improve everything around here as far as the traffic flow; it sets a standard for the development of the town center. "By decreasing, not that I'm in for increasing, I'm really not, but by decreasing down the fraction that you did, would that fraction keeping it the same or just a little bit higher, would have helped immensely to provide the funds that we need to do the intersection and I don't know the numbers enough", Councilwoman Krafft said.

Mayor Becker responded he took Councilwoman Krafft's suggestion last month to heart about not going all the way down to the zero base. Mayor Becker explained if you look at the property tax budget amount for last year and what it is anticipated to be, he is anticipating somewhere around \$69,000 in property tax (personal and real property tax) revenue based on the rate and the appraisals for this current year. For this year (shown on page 8), the property tax for current year will be an estimated \$77,700 and that is based on the 2.5% reduction due to appeals, so it will be an approximately \$9,000 to \$10,000 increase in property tax. If the council raised it another tenth of a cent, it would probably be another \$3,000 each time. If the council leaves it, it will end up being \$90,000. Mayor Becker stated it was common to lower the tax rate in a big revaluation year, people are really stressed about their tax values going up so much, and some people have started to come out of the COVID issues, unemployment issues, school stress issues, and others haven't. The population is still somewhat stressed, and Mayor Becker didn't know if that was a good time to go much higher; it's almost like the town would be better off next year when there are no revaluations, "saying we were really easy on the taxpayers last year, we are looking at this intersection project, we are looking at raising a match, we might need to raise the tax rate a half of a percent." It's almost better not in a revaluation year, Mayor Becker thought, but it is a council decision, he is "just sort of the number cruncher."

Councilwoman Krafft responded Mayor Becker had been doing this for a long time and he knew the numbers better.

Mayor Becker explained if the council left the tax rate the same, it would not be a whole lot more money, it would be \$20,000 coming in, which isn't going to bring the town that half million a whole lot faster, but that \$20,000 might make people think the council is not being responsive to some of their concerns.

Councilwoman Krafft explained she wanted to make sure the council was looking ahead, so they do not get (like he said) hit.

Councilwoman Coffey commented the whole thing was that they were going to be looking for grants and they were going to help the town by coming up with any information that they can that can be processed by the town, as she understood, to get that money. The town does not have it and they know the town is probably not going to have it anytime soon, just like this project isn't going to happen anytime soon, it may be 10 years out, so the town has time.

Councilwoman Krafft responded she did not know that it would be 10 years out, it will be out, but not 10 years out, with all the development they are pushing right now.

Mayor Becker suggested that the town could do a voter approved bond if the town wanted to borrow \$500,000. The rates will still be low on municipal bonds. If the voters do not approve it, then they have sent the message they do not want to do it that way, but that is one way to raise the money where it is very transparent. Mayor Becker noted the town has saved the money, although there is the community center project, but the council will have to redefine whether they want to do that or what they want to do. The community center project still cannot be done because there is no access to sewer or septic yet. It depends on the property behind town hall developing, there is some interest, but we do not know if it is going yet; Ms. Brooks does not have any [information].

Councilwoman Krafft asked if that property interest that might happen or might not happen was something like what he [Mr. Hansen] was saying the town could get.

Mayor Becker responded he thought that was a good idea. If the property does get development interest, there is going to be some residential in there and more commercial. In general, they will be required to do a traffic study and at that point the town could say "you've got to put up \$200,000 towards this intersection improvement", which could be a big incentive.

Councilman Countryman suggested the council get back to the budget discussion.

Mayor Becker stated he felt comfortable keeping the rate low.

Councilwoman Critz stated she had a question, "if we left it the same, 'cause I have, either way, if we need to raise it next year or whatever. Some people are not going to understand that. I'm with Councilwoman Kraft, I would like to see keeping it the same, because I'm misunderstanding, we could, and Mr. Hansen is not here for me to ask, but you might know. It sounded to me like we wouldn't have to give the whole half a million at one time, that we could do it in installments."

Mayor Becker responded, "they would be pretty close together 'cause it is a small project."

Councilwoman Critz stated, "if maybe between a small, we would have, we would be borrowing less money if we had more money. I am not a fan of borrowing and I know you're not. Bonds, I know that Mayor Becker takes that very seriously and I do too, but I think if we left it the same, and had more we would wind up needing to borrow less or raise it next year. Honestly to me it looks better as a constituent to leave it the same than it does to cut it back and then raise it again next year.

Councilman Countryman disagreed, because it depends on if you have been following it over twenty plus years we've been a community, there will be some people that will realize that Mayor Becker has done an excellent job maintaining a tax neutral base and there's going to be people that recognize that it's a tax increase, there will be other people that realize even with just the few cents that it's a tax increase, it isn't revenue neutral anymore.

Councilwoman Critz responded she realized that as a constituent and she was sure more constituents will realize now, because they responded to the survey, they've seen it and didn't

respond, but they are more aware of things going on. So, the community is more aware that there are capital improvements that are going on.

Mayor Becker responded he thought the board has been sensitive to what they know the concerns of the constituents were. Yes, the tax rate is low and people's tax bill for the Town of Mineral Springs is low, but the council still needs to be careful and have always been respectful of the constituents and not like building a tax increase into their revaluation.

Councilwoman Critz stated she didn't see that as the reason.

Mayor Becker responded they would see it as that though, because that's what it is.

Councilwoman Critz stated she was just saying those that recognize there are capital improvements taking place are going to know that it takes money. There are always going to be people that are going to dislike or like what the council does no matter what they do. Councilwoman Critz stated she was like Councilwoman Krafft and is trying to look to the future and the town is going to need more money in the future than less, no matter what they do.

Councilwoman Coffey asked if there was going to be a vote tonight.

Mayor Becker responded the council does not have to do anything until they adopt the budget next month.

Councilwoman Coffey asked if the council was looking to change it.

Councilwoman Critz responded if Mayor Becker is recommending 2.1%, she did not think that was too much of a cut for what they know is coming.

Councilwoman Critz asked Mayor Becker if he could do 2.3% to give the town something.

Councilman Countryman commented 2.1%, based on what Mayor Becker said, is an increase.

Councilwoman Krafft commented she thought that was good, if that is an increase and there is some money (a little bit more back), she would rather take baby steps and get it there.

Councilwoman Critz stated she would not argue, she knew what Mayor Becker was trying to do and she has always appreciated it. Councilwoman Critz added, "the community doesn't appreciate it enough, but that's another conversation."

Councilman Countryman responded of course they do not, they don't stay involved, they don't have the time to know what is going on. The point is that during this budget year, taxes are going to go up, they are going up minimally, but the council is not following the procedure they have followed for 20+ years of remaining tax neutral and that's okay, Councilman Countryman did not have a problem with that. Councilman Countryman added the town is not going to be able, through taxes, to fund this road project, but he thought Mayor Becker was being frugal and wise by accepting Councilwoman Krafft's proposal of putting a little bit in the coffer. Councilman Countryman did not think the council needed to go back to the revenue neutral issue, but at the same time he did not think it was fair, based on Mayor Becker's statement, to leave it at 2.5% when everybody's home values have more than doubled because they will recognize that.

Councilwoman Coffey mentioned the county would be voting on their new tax rate on June 30th.

Councilwoman Critz commented she did not know of anyone's house value that doubled.

Councilman Countryman suggested Mayor Becker leave it the way it is in the budget.

Mayor Becker responded, "leave this budget the way it is", the only thing that has to be changed is those council salaries. Mayor Becker suggested the council bear in mind, those are showing an increase, increasing taxes and council salaries in the same budget year might not go over well.

Councilwoman Coffey motion to call for the public hearing on June 10, 2021, at 7:30 p.m. at the Mineral Springs Town Hall and Councilman Countryman seconded. The motion passed unanimously. Ayes: Coffey, Countryman, Critz, and Krafft. Nays: None.

11. Staff Updates

There were no staff reports.

12. Other Business

There was no other business.

13. Adjournment – Action Item

At 9:08 p.m. Councilwoman Coffey motioned to adjourn the meeting and Councilman Countryman seconded. The motion passed unanimously. Ayes: Coffey, Countryman, Critz, and Krafft. Nays: None.

The next regular meeting will be on Thursday, June 10, 2021 at 7:30 p.m. at the Mineral Springs Town Hall.

Respectfully submitted by:

Vicky A. Brooks, CMC, NCCMC, Town Clerk

Frederick Becker III, Mayor

**Draft Minutes of the
Mineral Springs Town Council
Public Hearing / Regular Meeting
June 10, 2021 – 7:30 p.m.**

The Town Council of the Town of Mineral Springs, North Carolina, met in Public Hearing and Regular Session at the Mineral Springs Town Hall located at 3506 Potter Road South, Mineral Springs, North Carolina, at 7:30 p.m. on Thursday, June 10, 2021.

Present: Mayor Frederick Becker III, Mayor Pro Tem Valerie Coffey, Councilman Jerry Countryman, Councilwoman Janet Critz, Councilwoman Lundeen Cureton, and Councilwoman Bettylyn Krafft.

Absent: None.

Staff Present: Town Clerk/Zoning Administrator Vicky Brooks and Deputy Town Clerk Janet Ridings.

Visitors: None.

1. Opening

With a quorum present at 7:32 p.m. on June 10, 2021, Mayor Frederick Becker called the Regular Town Council Meeting to order.

Councilwoman Critz delivered the invocation.

Moment of Silence for Councilwoman Peggy Neill.

Pledge of Allegiance.

2. Public Hearing – 2021-2022 Proposed Budget

Mayor Becker called the 2021-2022 Proposed Budget Public Hearing to order at 7:35 p.m.

There were no public hearing comments.

Mayor Becker closed the 2021-2022 Proposed Budget Public Hearing at 7:35 p.m.

3. Public Comments

There were no public comments.

4. Consent Agenda – Action Item

Councilwoman Critz motioned to approve the consent agenda containing the April 2021 Tax Collector's Report, and the April 2021 Finance Report and Councilwoman Cureton seconded. The motion passed unanimously. Ayes: Coffey, Countryman, Critz, Cureton, and Krafft. Nays: None.

5. Consideration of a Resolution Honoring Councilwoman Peggy Neill – Action Item

Mayor Becker read the resolution honoring Councilwoman Peggy Neill.

Councilwoman Coffey motioned to adopt the resolution for Peggy Neill and Councilwoman Krafft seconded. The motion passed unanimously. Ayes: Coffey, Countryman, Critz, Cureton, and Krafft. Nays: None.

The resolution is as follows:

**Town of Mineral Springs
Resolution in Memory and Honor of
Councilwoman Peggy Neill
R-2021-05**

WHEREAS, the Mineral Springs Town Council, for itself and on behalf of the citizens of the Town of Mineral Springs, expresses its profound sense of loss at the passing of Councilwoman Peggy Neill; and

WHEREAS, we recognize Peggy for her life of compassion, generosity and dedication to our community, and, most particularly, her service to the Town;

WHEREAS, Peggy began her service to the Town of Mineral Springs even before its re-incorporation, having dedicated hundreds of hours of her time as part of the citizens' re-incorporation committee, and as such she should be recognized as a founder of the Town; and

WHEREAS, the Town Council of the Town of Mineral Springs is deeply grieved at the loss of its friend and public servant, but is grateful for the opportunity of having known and worked with Peggy;

NOW, THEREFORE, be it resolved by the Town Council of the Town of Mineral Springs, North Carolina, that we express to the family of Peggy Neill our deepest and most heart-felt condolences and that, as a token of respect and esteem, this Resolution shall be incorporated into the permanent records of this Council.

ADOPTED this 10th day of June, 2021.

Frederick Becker III, Mayor

Valerie Coffey, Mayor Pro Tem

Jerry Countryman, Councilman

Janet Critz, Councilwoman

Lundeen Cureton, Councilwoman

Bettylyn Krafft, Councilwoman

Attest:

Vicky Brooks, CMC, NCCMC, CZO, Town Clerk

Councilwoman Critz asked if there will be copies of the resolution signed on nicer paper that can be sent to the family.

Mayor Becker responded Ms. Brooks had good paper. A copy can be taken to the service as a token of the town's appreciation of Peggy's contributions.

Councilwoman Krafft asked if there was any information about the services.

Councilwoman Critz responded the service will be a Memorial Service on Wednesday, June 23rd at Siler Presbyterian Church at 10:00 a.m. There will be a receiving visitation on Tuesday, June 22nd at 6:00 p.m. at Siler Presbyterian Church.

Councilwoman Critz added she did speak with Peggy's son, and he is not familiar with all that Peggy has done, so they have asked the council to contribute anything they want to and they will give Mayor Becker five minutes to share what Peggy has meant as a council member in the community.

Councilwoman Coffey noted she truly regretted she would no be able to attend, because she will be working.

6. Consideration of Copper Run Subdivision Road Right-of-Way Maintenance – Action Item

MEMO

To: Mineral Springs Town Council
From: Rick Becker
Date: June 3, 2021
Subject: Agreement with Copper Run HOA for Right-of-Way Maintenance

The town of Mineral Springs owns several parcels of land that have road frontage within the Copper Run subdivision. While True Homes was building, the rights-of-way were occasionally mowed and maintained; now that the neighborhood is built out, NCDOT has taken over the roads, and the HOA is controlled by its resident board, the HOA's landscaper has been mowing the right of way in front of all of our properties while doing the rest of the HOA's common area maintenance.

Although our properties are not officially part of the HOA membership and they are not governed by the covenants nor subject to dues, I believe that the town has some responsibility as a good neighbor to keep our road frontage maintained and mowed to match that of the rest of the neighborhood. I have had informal discussions with some of the HOA officers, and we decided to submit a maintenance proposal to Council.

The town is not obligated to participate. The only other similar situation is in Harrington Hall, where the town owns one lot at the end of Wolf Creek Circle. It has less road frontage than we have in Copper Run – 100-150 linear feet or so – and the Harrington Hall lot abuts our parking lot property. We currently have our landscaper Taylor and Sons mow the front of the Harrington Hall lot at the same time he mows the parking lot areas. We pay him \$125 per visit (which includes the parking lot work) – on-demand – and he makes 5 – 6 visits per season.

We have 1,850 linear feet of frontage in Copper Run, and I believe that it would be much more expensive for us to pay Taylor and Sons to maintain that property. Therefore, I am proposing the attached agreement, whereby we would reimburse the Copper Run HOA \$600 per year as a contribution toward the cost of maintaining the right of way in front of our properties.

Mayor Becker explained this is an odd agreement he was proposing, but it has been on the back burner for a number of years since Copper Run was built out and it was no longer being maintained by True Homes instead of the HOA taking care of the town's road frontage. As Mayor Becker mentioned in the memo, there is not a legal obligation, it is more of being a "good neighbor", because the town has a lot of frontage and the HOA is taking care of it. The town pays our landscaper to do one little piece of it in Harrington Hall as part of the parking lot [greenway]. This is a voluntary thing. Mayor Becker warned the HOA guy he had been in discussions with that he did not expect the council to commit a lot of money, because the town would be happy to have the NCDOT mow it, but they do try to keep their subdivision manicured and people who live there basically mow their property right to the curb. Mayor Becker came up with the idea of an annual \$600 and to put it before the council to see what they wanted to do. The only question Mayor Becker got from Attorney Griffin was that he was concerned about being able to terminate the contract if the HOA was not maintaining it to town standards.

Councilwoman Critz asked what the reason for this was.

Mayor Becker explained it started back before the license agreement with town property discussions; it was sort of discussed at one time, but Mayor Becker asked for it to be handled separately and to wait until the end of the year, so they would have a fiscal year contract. Mayor Becker told the guy to wait, and it was more of a good neighbor thing. It is not town property, it is NCDOT's right of way, so there are no liability issues. The town is not paying to maintain somebody else's private property.

Councilwoman Critz asked why NCDOT was not doing it.

Mayor Becker responded they would, but they would maybe come in every couple of months, which would be knee-high grass. The HOA is going to cut it, even if the town paid them nothing, because they want their place to look nice.

Councilwoman Critz asked if the town contribution would go toward their landscaper and not the town landscaper.

Mayor Becker responded the town would be reimbursing the HOA for a portion of their expense.

Councilwoman Critz asked if this put the town in a position of being equitable to everyone else.

Mayor Becker responded it was town property, so it is frontage of town property that the town owns. It is not like other neighborhoods where the town does not own any property. Mayor Becker reiterated; the town does pay the town landscaper to maintain one lot in Harrington Hall that adjoins the parking lot property.

Councilwoman Critz asked if there was no road frontage that was the town's in Harrington Hall.

Mayor Becker responded yes, in Harrington Hall, the town has one and the town pays the town landscaper.

Councilwoman Critz asked if it was just a small portion.

Mayor Becker responded it was on the cul-de-sac.

Councilwoman Critz asked if that existed across the street at the equine.

Mayor Becker responded no, the town does not own any property there, the town has a little 25-foot strip, but the town does not own a lot or anything in that subdivision.

Councilwoman Critz asked if Mayor Becker was talking about for the trail.

Councilwoman Coffey commented in light of the fact that it is town property in Copper Run, the town would be extending being good neighbors.

Mayor Becker responded that was how he looked at it, so he promised the guy he would put it before the council, because even if it is a small amount of money, it is taxpayer money, and the council needs to feel comfortable if they are going to make a commitment like that. This is an annual contract and it can just be terminated.

Councilwoman Coffey motioned that the council pay the contract fee for the right of way maintenance at Copper Run and Councilwoman Cureton seconded. The motion passed unanimously. Ayes: Coffey, Countryman, Critz, Cureton, and Krafft. Nays: None.

7. Consideration of Taylor and Son Landscaping Contract for Town Hall – Action Item

Mayor Becker explained Ms. Brooks talked with Ms. Taylor; there are no changes to the price and the terms were the same.

Councilman Countryman motioned to approve the Taylor and Son Landscaping contract and Councilwoman Krafft seconded. The motion passed unanimously. Ayes: Coffey, Countryman, Critz, Cureton, and Krafft. Nays: None.

8. Benchmark Planning Land Use Plan Scope of Services Quote – Action Item

Ms. Brooks asked if the council had received and reviewed the proposal. Ms. Brooks pointed out Benchmark has worked for several towns doing this type of thing. The proposal and the timeline are shown on the last page. Ms. Brooks commented it was a lot of money, but she questioned what the town would have paid back when UNCC did the study.

Councilwoman Critz commented the town did a donation of \$10,000 and the town knew it was basically what they recommended the town do, and it was like a steal.

Councilwoman Critz asked if Benchmark was the only quote.

Ms. Brooks responded it was the only one she received, but she did touch back with N-Focus who told her they were not interested in giving the town a bid.

Councilwoman Critz asked if that was because Mineral Springs was “small potatoes”.

Ms. Brooks responded she did not know, maybe it was because when the town did the UDO, N-Focus and Benchmark gave the town a quote, but Benchmark won. Maybe N-Focus did not want to spend all the time putting something like this together just for it to go to Benchmark.

Mayor Becker commented that part of him said, when he discussed this briefly with Ms. Brooks, “well we were starting from scratch with UNCC and we are not starting from scratch, in a way we are, even though our goals are probably very similar to what they were fifteen years ago. The situation is different, the background is different, what’s happening around us is different, so in some ways they are going back from scratch again if they are going to do a good product. I was thinking that, and it is, I know that they did Waxhaw’s recent one [five years ago], I am not going to talk on the merits of what Waxhaw does, but I know it is like a 200-page document and it has all sorts of regional statistics and it’s a big thing. I don’t know if ours proposed to be that large a document. I suspect not”.

The UNCC study piggybacked off the Urban Open Space Institute that was funded by the Knight Foundation. The program has not been repeated to the knowledge of Councilwoman Critz.

Councilwoman Coffey stated she believed this was a fair and equitable proposal. “You can’t get studies any cheaper than this, this is just not heard of. This is what it costs to have these studies done and some places are paying a lot more, so I think for the size town that we are and what the project will entail, I am of the opinion this is a fair quote”, Councilwoman Coffey said.

Councilwoman Critz mentioned the town was spoiled from what they had in the past.

Mayor Becker noted it was done a different way. The Vision Plan was done by the University and the town paid COG to incorporate the Vision Plan into the Land Use Plan, which cost about \$2,500. The town had \$12,000 to \$13,000 into the Vision Plan and Land Use Plan 15 years ago.

Councilwoman Krafft asked if the council was trying to make a motion to approve to move forward or what was the task.

Mayor Becker responded the council could approve the proposal and ask Benchmark to draft a contract that the town would be able to execute.

Councilwoman Critz noted the first Steering Committee meeting was in July and asked if the council needed to provide people from the council, and the planning board.

Ms. Brooks responded if that was the way the council wanted to do it. They could appoint a couple council members to sit with the planning board and call that the Steering Committee or they could do what they did last time where it was two planning board members, two council members, and two board of adjustment members. It is really up to the council. Ms. Brooks suggested having the planning board onboard the whole time was a good idea.

Councilwoman Critz agreed.

Councilwoman Krafft agreed and commented as much as she wanted to get on top of this, she wondered about starting in the summer when everybody is on vacation.

Ms. Brooks noted the plan has to be updated by June 30, 2022.

Councilwoman Critz motioned to accept the Comprehensive Plan given to us, submitted by Benchmark for the amount of \$33,000.00 and Councilwoman Krafft seconded. The motion passed unanimously. Ayes: Coffey, Countryman, Critz, Cureton, and Krafft. Nays: None.

Councilwoman Critz volunteered to be one of the council members on the Steering Committee.

Councilwoman Krafft stated she will be with the planning board.

Councilwoman Coffey stated she would take a seat if she could.

Mayor Becker responded Councilwoman Coffey could do it as council.

Ms. Brooks commented the only problem she could see was that would be a quorum, but she could advertise a quorum for that meeting; they would not be taking action as a council.

Councilwoman Critz motioned that she and Councilwoman Coffey volunteer to meet with the planning board as the Steering Committee and Councilwoman Cureton seconded. The motion passed unanimously. Ayes: Coffey, Countryman, Critz, Cureton, and Krafft. Nays: None.

9. Consideration of the 2020-2021 Nonprofit Contributions – Action Item

Mayor Becker explained the write-ups were in the agenda packet. Council on Aging requested \$3,000 and Mayor Becker explained the council had committed themselves to the same as last year for starters and that was \$2,000 for them.

Councilwoman Critz asked Mayor Becker if Council on Aging said why.

Mayor Becker responded Councilwoman Critz would have to read the letter.

Mayor Becker noted it was \$2,000 for Turning Point last year and they did not ask for a specific number. Last year, the council gave \$2,000 for Red Cross who asked for \$1,500 this year, and it was \$2,500 for Catawba Lands Conservancy. Mayor Becker explained the council had a few options, they could do nothing, or stick with \$2,000, \$2,000, \$2,000, and \$2,500, or since Red Cross specifically asked for \$1,500, the council could take that extra \$500 that was allocated to them and throw it at the Council on Aging and give them \$2,500. The council would be spending the same amount; they are capped at \$8,500 that they can spend up to.

Councilman Countryman responded that sounded like a reasonable approach, transferring the money to Council on Aging.

Mayor Becker commented the Red Cross had a specific dollar amount and it was less than the council gave them last year. Council on Aging is asking for more and the council could meet them halfway.

Councilman Countryman thought the population was aging.

Councilman Countryman motioned to go \$2,500 to Council on Aging, \$2,000 to Turning Point, \$1,500 to Red Cross as requested, \$2,500 to Catawba Lands Conservancy and Councilwoman Coffey seconded. The motion passed unanimously. Ayes: Coffey, Countryman, Critz, Cureton, and Krafft. Nays: None.

10. Consideration of Adopting the 2021-2022 Budget Ordinance – Action Item

Mayor Becker explained he gave the council a new budget in this edition, because once they made one change it brought changes throughout the document (employee overhead, the overall taking it out of capital). Mayor Becker stated he explained it on page five of the budget. The total amount is still the same and the tax rate is still the same. The council can see what the ordinance says that is the one they were adopting. Mayor Becker asked if it was still to everyone’s satisfaction.

Councilwoman Coffey responded most definitely.

Councilwoman Krafft responded excellent job, as usual.

Councilwoman Krafft motioned to adopt the 2021-2022 budget as proposed and Councilman Countryman seconded. The motion passed unanimously. Ayes: Coffey, Countryman, Critz, Cureton, and Krafft. Nays: None.

Ordinance-2020-02 is as follows:

STATE OF NORTH CAROLINA
TOWN OF MINERAL SPRINGS

**AN ORDINANCE TO ESTABLISH A BUDGET
FOR FISCAL YEAR 2021-2022
O-2020-02**

BE IT ORDAINED by the Council of the Town of Mineral Springs, North Carolina, the following:

Section I. Appropriations. The following amounts are hereby approved in the General Fund for the operation of the Town government and its activities for the fiscal year beginning 7/1/2021 and ending 6/30/2022, in accordance with a Chart of Accounts to be established for the Town:

ADMINISTRATIVE & GENERAL GOVERNMENT: \$338,366.00		
Advertising	\$1,800.00	
Attorney	\$9,600.00	
Audit	\$4,730.00	
Charities and Agencies	\$10,545.00	
Community Projects	\$26,000.00	
Contingency	\$3,000.00	
Elections	\$3,300.00	
Employee Overhead	\$35,400.00	
Fire Protection	\$12,000.00	
Intergovernmental	\$15,000.00	
Office and Administrative	\$157,719.00	
Planning and Zoning	\$49,272.00	
Street Lighting	\$1,200.00	
Tax Collection	\$1,600.00	
Training	\$3,000.00	
Travel	\$4,200.00	
CAPITAL:		\$25,849.00
Capital outlay	\$25,849.00	

TOTAL APPROPRIATIONS:

\$364,215.00

Section II. Estimated Revenues. It is estimated that the following revenues will be available in the General Fund for the fiscal year beginning 7/1/2021 and ending 6/30/2022:

Property taxes	\$78,365.00
Interest	\$2,500.00
Other income	\$1,200.00
Sales taxes	\$271,925.00
Vehicle taxes	\$6,725.00
Zoning fees	\$3,500.00

TOTAL ESTIMATED REVENUES:

\$364,215.00

Section III. Property Tax Levy. A tax in the amount of \$0.021 per \$100.00 of assessed valuation is hereby levied on property within the Town of Mineral Springs which was listed for property taxes in Union County, North Carolina as of January 1, 2021.

ADOPTED this 10th day of June 2021. Witness my hand and official seal:

Frederick Becker III, Mayor

Attest:

Vicky A. Brooks, Clerk

11. Staff Updates

Mayor Becker explained the American Rescue Plan and the COVID bill does have direct payments to individual municipalities nationwide. In North Carolina, the ones that are generally under \$50,000 are called non-entitlement municipalities where the state gets this large pot of money and then they give it to us through a rather complicated process and the uses are very narrow. Most of the money can be used for water and sewer expansion or broadband expansion. Mineral Springs does not have water and sewer and the state is limited on what municipalities can do with broadband, not that money isn't also a limitation.

Mayor Becker wanted to call it to the council's attention, because there is information going around, and it is not true. Like every big bill, there are dollar amounts and a certain amount of billions of dollars has been allocated in North Carolina to these municipalities, which is done by population. If you do the math, they say Mineral Springs is entitled to \$910,000, Waxhaw is entitled to \$5,100,000, and Wesley Chapel is entitled to \$2,700,000. Theoretically this is true, but that is not what the municipalities are entitled to, because the next paragraph says the maximum any municipality can get is 75% of their total adopted budget for fiscal year 2019-2020. Mineral Springs budget was about \$365,000, so the maximum the town could get would be \$270,000, which is already getting smaller; because the town does not do the stuff, it cannot be used for road improvements or for sidewalks. The only thing that comes up in one little paragraph that has a complicated calculation that is done over the next four years. It talks about revenue losses, the town did not lose any revenues that Mayor Becker could show the council in a finance report, but the formula they want you to use says you take your budget for the year ending 2019 and then you add 4.1% per year as an increase. If you did not make 4.1% in your revenues, you are entitled to the difference. For the first period it might be around \$22,000 through December 2020. Mayor Becker did not know what was going to happen through December 2022. That money can be used for almost anything, which is the only caveat Mayor Becker found. The town is ahead of things, so the council does not have to make any decisions. Federal grants are the most complicated things on the face of the earth. Ms. Brooks did a class on grants and the rule of thumb for any grant is you just follow their rules, but that is easier said than done with Federal grants where the rules are amazingly complex. Mayor

Becker stated he did talk to the town auditor, because often when you take any Federal grant money you have to go through a much more complex auditing process, which is more expensive, and it could wipe out your little grant. The auditor said the town would only have to do the single audit process for \$750,000 and up. It may go up a few thousand, because there would be more transactions.

Mayor Becker explained the state has been contacting him; there is an office in the state called North Carolina Pandemic Recovery Office (NCPRO) and they get the money from the Feds and they send it to the towns. They do not even have a complete list of what towns are allowed to use it for, they have not figured out how they are going to do it yet, but Mayor Becker had to register with them and then he had to register with something call SAM.gov, which is a Federal agency that you have to be registered with to accept the first dollar of Federal money. If the town is ever going to do an intersection, they would need to do that, so the town is now registered with the Feds and they are registered with the state as a vendor. Mayor Becker explained that is where the town has gotten and nothing else has taken place, but he wanted to make sure the council knew what was happening and to hear the town does not have a million dollars coming from the Feds that they could use for anything. The town may get \$270,000 of which over the next four years, they may be able to get \$80,000.

Mayor Becker explained the second one was the HUD/CDBG program, which is not a new program, it is a community development block grant program, and it is a lot more flexible in terms of what is applicable, but you generally want to be doing things that are benefitting lower income neighborhoods with lower income citizens; it could be used for certain sidewalks in areas where the town does not have any. Towns must renew their interest in HUD every three years and Mineral Springs has not done it before. Assistant Union County Manager Patrick Niland strongly recommended Mineral Springs sign on as a participant, because even if the town does not take any money or apply for any grants, the town's population goes into the census for Union County, which gives the county more funding possibilities. Mayor Becker sent Mr. Niland a letter saying the town is interested in participating. This is not one where they are going to be sending the town money like ARP money, it is one where the town would have to look at projects and would have to apply. The good thing is it is administered by COG (Centralina Council of Governments), so if they are getting paid for it, their cut out of the grant money, but you have to have a professional administrator who, if you are going to apply for any CDBG grant money, the COG is actually doing the Federal interfacing.

Mayor Becker explained the third thing he found out was from the CRTPO agenda packet, is that there is another piece of COVID Rescue money, which is going to state Departments of Transportation. It is about \$7,000,000 worth going to the CRTPO region, which is Iredell County, Mecklenburg County, and half of Union County. CRTPO will vote on it next Wednesday and what the TCC of the CRTPO is recommending is that money be used for maintenance that has be long awaited, things as pedestrian as the signal loops at intersections where they no longer respond to cars and the light time does not work, or pavement striping. This would be in the three-county region.

Councilwoman Critz asked about the potholes the size of the Grand Canyon.

Mayor Becker responded he did not think it was going to be pothole maintenance, that comes out of the regular NCDOT maintenance budget. The only thing Mayor Becker saw for Mineral Springs was \$4,100 for the repair of the signal looping at the downtown intersection, so maybe that will make the light timed better, if it happens.

Councilwoman Critz asked if that was before or after the intersection improvement or if it had nothing to do with it.

Mayor Becker responded it had nothing to do with it. It was probably region wide with intersections that need attention.

12. Other Business

Councilwoman Critz explained she and Councilwoman Neill had been on some long trips over the past year and did a lot of talking during that time. Recently there was an email from Centralina Council of Governments or UNC Chapel Hill talking about a mentoring program, which Councilwomen Critz and Neill had a couple long conversations about how they thought that would be something good to do in Mineral Springs, each council member could target one or two people they know who are active in the community and appear to be long termers in the community and they could set up workshops that they would put some personal investment into these people as mentors, so that they could start training people to take their places and train people to get more involved and just teaching them what it is like. A lot of time people are wary of getting involved because they think it is going to consume them or they are not interested, because they don't think it applies to them; often times neither one of those is true. Councilwoman Crit suggested, in Peggy's honor, that the town try to implement such a mentoring thing in the next couple of years. It is certainly something that Councilwoman Critz thought the council realized needs to happen, because, excluding Councilwoman Krafft, "we are all in the senior citizen age category".

Councilwoman Coffey responded she has recruited, although she did not get them on board, but she is always in the recruiting thought process when it comes to Mineral Springs and she has invited members of her community to get involved in the past, because sometimes there are people that have a lot of wonderful ideas and opinions, but when it comes to being responsive, all of a sudden there is dead silence.

Councilwoman Critz explained the conversations she had with Peggy that made it a little different was the fact that they would incorporate workshops where it could be opened to the public, but targeting the people that were willing to come alongside and mentor. Councilwoman Critz thought each council member, at some point in time, has tried to get other people interested, but when she and Peggy read what came out of Chapel Hill where they had a thing you could go online and they were encouraging it in more towns to set up workshops, so people could find out exactly what it means to be a council member and what the responsibilities are or what it mean to be a planning board member.

Councilwoman Krafft stated she thought the overall mentorship movement was coming. Councilwoman Krafft belongs to three groups right now and has four mentees that she is working with in different aspects of her career. Councilwoman Krafft thought it was a good idea, she did not know, like Councilwoman Coffey, she has been trying to get people involved, but she is afraid Mineral Springs is becoming more of a bedroom community again. People are trying to get away from the hustle and bustle, so they come home, and they do not want to go out after they get home; they just want to stay home. Councilwoman Krafft is hoping the town can find some people to do that, that really care about the town.

Councilwoman Critz commented if they want it to stay like that and they want those perks for when they come home from work, someone is going to have to protect them.

Councilwoman Krafft agreed, and stated she was looking forward to the town getting the newsletter out again and getting back to doing some more town-type things.

Councilwoman Coffey commented she did not know that everything was getting back to normal, but she was sure it would and hopefully there will be more people that will step up and get the inoculations they need to help protect themselves and others. Councilwoman Coffey thought that will be a great thing; that's where we are, we are open for growth.

Mayor Becker commented it was a long-term project to look at.

Councilman Countryman asked if there was any additional follow-up regarding the Lowe's program that was designed.

Mayor Becker responded he had not heard anything, but John Howie would be the one who would hear from them. No news is probably not good news in this case.

Councilwoman Krafft asked about the property behind Patterson's storage, the vacant lot that has the turf. Is that going forward?

Ms. Brooks responded yes.

Councilwoman Krafft responded she had not heard anything, and she drives by there all the time, there were some kids out there this past week doing mischief/just being kids.

Ms. Brooks explained they still had one more step to go.

13. Adjournment – Action Item

At 8:33 p.m. Councilwoman Coffey motioned to adjourn the meeting and Councilwoman Krafft seconded. The motion passed unanimously. Ayes: Coffey, Countryman, Critz, Cureton, and Krafft. Nays: None.

The next regular meeting will be on Thursday, July 8, 2021 at 7:30 p.m. at the Mineral Springs Town Hall.

Respectfully submitted by:

Vicky A. Brooks, CMC, NCCMC, Town Clerk

Frederick Becker III, Mayor

**Draft Minutes of the
Mineral Springs Town Council
Special Meeting via Zoom
June 29, 2021 – 7:30 p.m.**

The Town Council of the Town of Mineral Springs, North Carolina, met in Special Session via Zoom in Mineral Springs, North Carolina, at 7:30 p.m. on Tuesday, June 29, 2021.

Present: Mayor Frederick Becker III, Mayor Pro Tem Valerie Coffey, Councilman Jerry Countryman, Councilwoman Janet Critz, Councilwoman Lundeen Cureton, and Councilwoman Bettylyn Krafft.

Absent: Attorney Bobby Griffin and Deputy Town Clerk Janet Ridings.

Staff Present: Town Clerk/Zoning Administrator Vicky Brooks.

Visitors: None.

1. Opening

With a quorum present at 7:30 p.m. on June 29, 2021, Mayor Frederick Becker called the Special Town Council Meeting to order.

Ms. Brooks did the roll call.

2. Consideration of Adopting O-2020-03 – Action Item

Mayor Becker explained this was the set of text amendments that the council adopted in May as just amendments after the public hearing. Ms. Brooks has determined that part of the 160D changes affect the way text amendments are adopted and they should be adopted as an ordinance.

Ms. Brooks responded that was correct.

Mayor Becker explained that is why the council will be re-adopting the same exact items in the text amendments that they adopted in May, but as an ordinance to make sure the town is following the procedures exactly.

Ms. Brooks referred to the General Statute 160D-601 (c) that requires adoption by ordinance now.

Mayor Becker commented all future text amendments or map amendments will be done as an ordinance.

Councilwoman Coffey pointed out a typo in Section 3.9.2 – Conditional Zoning District Procedure – item D on the last line, fifth word says “by”, and it should say “may”.

Mayor Becker pointed out the same section on the fourth line, last word says “agree” and it should be “agreed”.

Councilwoman Coffey motioned to adopt this ordinance with that change that Councilwoman Coffey pointed out and Vicky has acknowledged, and Councilman Countryman seconded. The motion passed unanimously. Ms. Brooks polled the council on the vote. Ayes: Coffey, Countryman, Critz, Cureton, and Krafft. Nays: None.

Ordinance-2020-03 is follows:

STATE OF NORTH CAROLINA
TOWN OF MINERAL SPRINGS

**AN ORDINANCE AMENDING THE TEXT OF VARIOUS CHAPTERS OF
THE MINERAL SPRINGS DEVELOPMENT ORDINANCE IN
COMPLIANCE WITH NORTH CAROLINA GENERAL STATUTE 160D
O-2020-03**

WHEREAS, the Town of Mineral Springs maintains an ordinance concerning numerous development regulations; and

WHEREAS, on April 11, 2019, the North Carolina General Assembly enacted Part II of NC Session Law 2019-111, which was intended to collect and organize existing statutes regarding local planning and development into a single Chapter of the General Statutes and to consolidate the statutes affecting cities and counties; and

WHEREAS, on June 19, 2020, the North Carolina General Assembly enacted NC Session Law 2020-25, which mandated that governments shall amend their development regulations to conform to the provisions of Part II of NC Session Law 2019-111 on or before July 1, 2021; and

WHEREAS, pursuant to NC General Statutes 160D-601; 160D-604, and Article 3, Section 3.10.1 of the Mineral Springs Development Ordinance, the Mineral Springs Town Council may amend its development regulations after holding a public hearing and after the Mineral Springs Planning Board has had the opportunity to review, comment, and make a recommendation to the Town Council regarding the amendment as well as whether the same is consistent with any comprehensive plan that has been adopted and any other officially adopted plan that is applicable; and

WHEREAS, the Mineral Springs Planning Board has reviewed the proposed amendments at a regular meeting that was opened on March 23, 2021, held virtually in accordance with law; and

WHEREAS, the Mineral Springs Planning Board recommended in a vote of 5 to 0 on March 23, 2021, that the Mineral Springs Town Council adopt the proposed amendments; and

WHEREAS, in accordance with NC General Statute 160D-601 and the provisions set forth in Article 3, Section 3.10.1 of the Mineral Springs Development Ordinance, the Town Council duly advertised and held a public hearing to consider the proposed amendments; and

WHEREAS, after reviewing the written recommendation of the Mineral Springs Planning Board, the proposed amendments, conducting a public hearing on May 13, 2021, and careful review, the Town Council determines that:

1. The proposed amendments are consistent with the Mineral Springs Land Use Plan and

Vision Plan contained therein, which specifically calls for periodic review to make sure the Ordinance is as up to date as possible.

2. The proposed amendments are reasonable as they bring the Mineral Springs Development Ordinance into compliance with General Statute 160D and one specifically clears up the procedures for minor subdivisions.

NOW THEREFORE, BE IT ORDINAED BY THE MINERAL SPRINGS, NORTH CAROLINA THAT:

Section 1. That this Town Council does hereby adopt the proposed amendments as outlined in Exhibit A attached hereto.

Section 2. That if any section, subsection, clause or phrase of this ordinance is, for any reason, held to be invalid, such decision shall not affect the validity of the remaining portions of this Ordinance; and

Section 3. That all ordinances and clauses of ordinance in conflict herewith be and are hereby repealed to the extent of such conflict.

Section 4. This ordinance is effective upon adoption.

ADOPTED this 29th day of June 2021.

Frederick Becker III, Mayor

ATTEST:

Vicky Brooks, CMC, NCCMC, CZO

EXHIBIT A
(O-2020-03)

Strikethrough = deletion Underline/Bold = insertion

ARTICLE 1 – PURPOSE, AUTHORITY, & LEGAL STATUS

Section 1.3 AUTHORITY

- A. This Ordinance is adopted pursuant to the authority granted by North Carolina General Statutes (NCGS) Chapter 160D (~~formerly 160A, Article 19~~).
- B. In accordance with the requirements of NCGS **160D-703** ~~160D-7-3 (formerly 160A-382)~~ that zoning regulation be by districts, the Town, as shown on the Zoning Map accompanying this Ordinance, is divided into districts, as set forth in Article 4, which shall be governed by all of the uniform use and dimensional requirements of this Ordinance.

Section 1.7 PLAN CONFORMITY AND RIGHT-OF-WAY DEDICATION

- A. In accordance with the requirements of NCGS **160D-701** ~~160D-7-1 (formerly 160A-383)~~, the regulations adopted pursuant to this Ordinance shall be consistent with the Town's Land Use Plan and any specific plans adopted by the Town Council. All new developments shall be designed in conformance with adopted plans including but not limited to adopted comprehensive plans, comprehensive transportation plans, small area plans, land use plans, parks and recreation plans and any other adopted plans.

Section 1.8 VESTED RIGHTS OF DEVELOPMENT AGREEMENTS

~~1.8 VESTED RIGHTS AND DEVELOPMENT AGREEMENTS~~

1.8 DEVELOPMENT APPROVALS AND VESTED RIGHTS

1.8.1 ESTABLISHMENT OF DEVELOPMENT VESTED RIGHTS

~~Pursuant to NCGS 160D-1-8 (formerly 160A-385.1) and notwithstanding any other provision of this Ordinance or amendment thereto, a landowner may apply for a site specific development plan approval which shall entitle said landowner to develop property in accordance with said site specific development. The procedure for establishing a vested right is set forth in Section 3.11.~~

1.8.1 DEVELOPMENT APPROVAL DURATION

- A. Pursuant to NCGS 160D-1109, building permits expire six months after issuance unless work under the permit has commenced and work has not been discontinued for a period of more than 12 months after the work has commenced.
- B. Unless otherwise specified, local development permits expire one (1) year after issuance unless work authorized by the permit has substantially commenced. A local land development regulation may provide for a longer permit expiration period. For the purposes of this section, a permit is issued either in the ordinary course of business of the applicable governmental agency or by the applicable governmental agency as a court directive. Except where a longer vesting period is provided by statute or land development regulation, the statutory vesting granted by this section, once established, expires for an uncompleted development project if development work is intentionally and voluntarily discontinued for a period of not less than 24 consecutive months, and the statutory vesting period granted by this section for a nonconforming use of property expires if the use is intentionally and voluntarily discontinued for a period of not less than 24 consecutive months. The 24-month discontinuance period is automatically tolled during the pendency of any board of adjustment proceeding or civil action in a State or federal trial or appellate court regarding the validity of a development permit, the use of the property, or the existence of the statutory vesting period granted by this section. The 24-month discontinuance period is also tolled during the pendency of any litigation involving the development project or property that is the subject of the vesting.
- C. Where multiple local development permits are required to complete a development project, the development permit applicant may choose the version of each of the local land development regulations applicable to the project upon submittal of the application for the initial development permit. This provision is applicable only for those subsequent development permit applications filed within 18 months of the date following the approval of an initial permit. For purposes of the vesting protections of this subsection, an erosion and sedimentation control permit or a sign permit is not an initial development permit.
- D. A multi-phased development is vested for the entire development with the land development regulations then in place at the time a site plan approval is granted for the initial phase of the multi-phased development. A right which has been vested as provided for in this subsection remains vested for a period of seven (7) years from the time a site plan approval is granted for the initial phase of the multi-phased development.
- E. Following issuance of a development permit, a local government may make subsequent inspections and reviews to ensure compliance with the applicable land development regulations in effect at the time of the original application.

F. If a land development regulation is amended between the time a development permit application was submitted and a development permit decision is made or if a land development regulation is amended after a development permit decision has been challenged and found to be wrongfully denied or illegal, then NCGS 143-755 applies.

4.8.1 1.8.2 ESTABLISHMENT OF EXTENDED DEVELOPMENT VESTED RIGHTS

Pursuant to NCGS **160D-108.1** ~~160D-1-8 (formerly 160A-385.1)~~ and notwithstanding any other provision of this Ordinance or amendment thereto, a landowner may apply for a site specific **vesting** development plan approval which shall entitle said landowner to develop property in accordance with said site specific development. The procedure for establishing a vested right **for two (2) to five (5) years** is set forth in Section 3.11.

4.8.2 1.8.3 EFFECT OF VOLUNTARY ANNEXATION ON VESTED RIGHTS

A petition for annexation filed with the Town shall contain a signed statement declaring whether or not any zoning vested right with respect to the property subject to the petition has been established under NCGS **160D-108** ~~160D-1-8 (formerly 160A-385.1 or 153A-344.1)~~. A statement that declares that no zoning vested rights has been established or the failure to sign a statement declaring whether or not a zoning vested right has been established shall be binding on the landowner and any zoning vested right shall be terminated.

4.8.3 1.8.4 DEVELOPMENT AGREEMENTS

Development Agreements may be approved by the Town Council in accordance with NCGS Chapter 160D, Article 10 ~~(formerly 160A-400.2-32)~~.

ARTICLE 2. ADMINISTRATION

Section 2.2 ADMINISTRATOR

G. In accordance with NCGS 160D-109 (c), the Administrator shall not make a final decision on an administrative decision if the outcome of that decision would have a direct, substantial, and readily identifiable financial impact on the Administrator or if the applicant or other person subject to that decision is a person with whom the Administrator has close family, business, or associated relationship.

Section 2.4.1 ESTABLISHMENT AND COMPOSITION

A. A Planning Board for the Town is hereby created under the authority of NCGS **160D-301** ~~160A-361~~. The Planning Board shall consist of seven (7) regular members. At the discretion of the Town Council, the same members of the Planning Board may serve as the Board of Adjustment.

Section 2.4.2 RULES OF PROCEDURES

- F. In accordance with NCGS 160D-109(b), members of the Planning Board shall not vote on an advisory or legislative decision where the outcome of the matter being considered is reasonably likely to have a direct, substantial and readily identifiable financial impact on the member. Members of the Planning Board shall not vote on any zoning amendment if the landowner of the property subject to a rezoning petition or the applicant for a text amendment is a person with who the member has a close familial, business or associational relationship ~~may not participate in or vote on any matter on which they have a fixed opinion prior to the hearing, have undisclosed ex parte (without equal representation) communications or close family, business or associational ties with an affected person, or have a financial interest in the outcome of the case. If an objection is raised to a member's participation and that member does not recuse himself or herself, the remaining members shall by majority vote rule on the objection.~~

Section 2.4.3 POWERS AND DUTIES

- B. The Town Council may request the Planning Board to advise them on other matters as designated in NCGS 160D-301 ~~160D-3-1 (formerly 160A-361)~~ including:
1. ~~To make studies of the Town and surrounding areas;~~ To prepare, review, maintain, monitor, and periodically update and recommend to the Town Council a comprehensive plan, and such other plans deemed appropriate, and conduct ongoing related research, data collection, mapping and analysis.
 2. ~~To determine objectives to be sought in the development of the Town and propose and recommend plans for achieving these objectives;~~ To facilitate and coordinate citizen engagement and participation in the planning process.
 3. To develop and recommend to the Town Council policies, ordinances, development regulations, administrative procedures and other means for carrying out plans in a coordinated and efficient manner; and
 4. ~~To designate redevelopment areas.~~ To advise the Town Council concerning the implementation of plans, including, but not limited to, review and

comment on all zoning text and map amendments as required by NCGS 160D-604.

5. To exercise any functions in the administration and enforcement of various means for carrying out plans that the Town Council may direct.

6. To perform any other related duties that the Town Council may direct.

Section 2.5.1 ESTABLISHMENT AND COMPOSITION

A. A Board of Adjustment is hereby created as provided in NCGS 160D-302 160D-3-2 (formerly 160A-388). The Board of Adjustment shall consist of five (5) members and two (2) alternate members to serve in the absence of regular members. At the discretion of the Town Council, the same members of the Planning Board may serve as the Board of Adjustment.

Section 2.5.2 RULES OF PROCEDURE

E. All meetings of the Board of Adjustment shall be open to the public. The Board shall keep minutes of its proceedings, showing the vote of each member upon each question, or if absent or failing to vote, an indication of such fact. The final disposition of appeals, variances and conditional **special** uses shall be made by recorded resolution indicating the reasons of the Board therefor and all pertinent findings of fact, all of which shall be a public record.

G. In accordance with NCGS 160D-109(d). Members of the Board of Adjustment **shall not participate in or vote on any quasi-judicial matter in a manner that would violate affected persons' constitutional right to an impartial decision maker. Impermissible violations of due process include, but are not limited to, a member having a fixed opinion prior to hearing the matter that is not susceptible to change, undisclosed ex parte communication, a close familial, business, or other associational relationship with an affected person, or a financial interest in the outcome of the matter.** ~~may not participate in or vote on any matter on which they have a fixed opinion prior to the hearing, have undisclosed ex parte (without equal representation) communications or close family, business or associational ties with an affected person, or have a financial interest in the outcome of the case. If an objection is raised to a member's participation and that member does not recuse himself or herself, the remaining members shall by majority vote rule on the objection.~~

Section 2.5.3 POWERS AND DUTIES

The Board of Adjustment shall have the following powers and duties pursuant to NCGS 160D-302 ~~160A-388~~:

- A. To hear and decide requests for Special Use Permits, acting in the capacity as a Board of Adjustment in accordance with Section 3.4 and pursuant to NCGS 160D-406 ~~160D-4-6~~ (formerly ~~160A-388~~);
- F. The Board of Adjustment through the Chair, or in the Chair's absence anyone acting as chair, may subpoena witnesses and compel the production of evidence. To request issuance of a subpoena, persons with standing under NCGS 160D-1402(c) ~~160D-14-2(e)~~ (formerly ~~160A-393(d)~~) may make a written request to the Chair explaining why it is necessary for certain witnesses or evidence to be compelled. The Chair shall issue requested subpoenas he or she determines to be relevant, reasonable in nature and scope, and not oppressive. The chair shall rule on any motion to quash or modify a subpoena. Decisions regarding subpoenas made by the chair may be appealed to the full Board of Adjustment. If a person fails or refuses to obey a subpoena issued pursuant to this subsection, the Board of Adjustment or the party seeking the subpoena may apply to the General Court of Justice for an order requiring that its subpoena be obeyed, and the court shall have jurisdiction to issue these orders after notice to all proper parties.

Section 2.6 TOWN COUNCIL

4. To hear and decide request for Alternative Design Proposals, acting in the capacity as a Board of Adjustment in accordance with Section 3.8 and pursuant to NCGS 160D-406 ~~160D-4-6~~ (formerly ~~160A-388~~);
5. To enter into development agreements in accordance with Section 3.11 and pursuant to Chapter 160D, Article 10 (formerly ~~160A-400.2-32~~); and
- C. **In accordance with NCGS 160D-109 (a), a Town Council member shall not vote on any legislative decision regarding a development regulation adopted where the outcome of the matter being considered is reasonably likely to have a direct, substantial, and readily identifiable financial impact on the member. A Town Council member shall not vote on any zoning amendment if the landowner of the property subject to a rezoning petition or the applicant for a text amendment is a**

person with whom the member has a close familial, business, or other associational relationship.

Section 2.7 ENFORCEMENT

2.7.1 VIOLATIONS

Any of the following shall be a violation of this Ordinance and shall be subject to the enforcement remedies and penalties provided by this Section and by State law, specifically **NCGS 160A-175, 160D-404 and NCGS 14-4** ~~160D-4-4 (formerly 160A-175, 160A-365, 160A-389) and NCGS 14-4:~~

2.7.1.2 DEVELOPMENT OR USE INCONSISTENT WITH PERMIT **DEVELOPMENT APPROVAL**

To engage in any development, use, construction, remodeling, or other activity of any nature in any way inconsistent with any approved plan, permit, certificate, or other form or authorization granted for such activity.

Section 2.7.2.1 INSPECTION AND INVESTIGATION

B. The Administrator or designee shall have the right **be authorized** upon presentation of proper credentials **and the consent of the property owner or an** and inspection warrant, if necessary, to enter on any premises **(not open to the public)** within the jurisdiction at any reasonable hour for the purposes of inspection, determination of plan compliance, or other enforcement action.

Section 2.7.2.2 NOTICE OF VIOLATION

B. **Subject to NCGS 160D-404 (a),** the Administrator or designee shall give the property owner written notice (by certified mail to his or her last known address, by personal service, or by posting notice conspicuously on the property) of the following:

Section 2.7.2.3 APPEAL

2.7.2.3 APPEAL

Any owner or occupant who has received a Notice of Violation may appeal in writing the decision of the Administrator to the Board of Adjustment within 30 days following the date of the Notice of Violation. The Board of Adjustment shall hear an appeal subject to the

provisions set forth in NCGS **160D-405** ~~160D-4-5 (formerly 160A-388)~~ and Section 3.6 of this Ordinance. The Board of Adjustment may affirm, modify or revoke the Notice of Violation. In the absence of an appeal, the decision of the Administrator shall be final. Citations that follow the original Notice of Violation may not be appealed.

Section 2.7.3 REMEDIES & PENALTIES

- A. **Subject to NCGS 160A-175, 160D-106, 160D-404, and NCGS 14-4** ~~160D-4-4 (formerly 160A-175, 160A-365, 160A-389) and NCGS 14-4~~, any person, firm or corporation violating any provision of this Ordinance shall be subject to a civil penalty of fifty dollars (\$50.00) per day for each calendar day that the violation exists. Violations of this Ordinance shall not constitute a misdemeanor or infraction. Proceeds from civil penalties collected under this Ordinance shall go into the Town's general fund.
- D. If a building or structure is erected, constructed, reconstructed, altered, repaired, converted, or maintained, or any building, structure or land is used in violation of this Ordinance or other regulation made under authority conferred thereby, the Town in addition to other remedies, may institute any appropriate action or proceedings to prevent the unlawful erection, construction, reconstruction, alteration, repair, conversion, maintenance or use, to restrain, correct or abate the violation, to prevent occupancy of the building, structure or land or to prevent any illegal act, conduct, business or use in or about the premises. **Such action may include the issuance of a stop-work order, subject to NCGS 160D-404 (b).**
- F. **For development or use of a property inconsistent with the development approval, the Town may revoke the development approval in the same manner in which the approval was given, subject to NCGS 160D-403 (f).**

ARTICLE 3 – REVIEW & APPROVAL PROCEDURES

Section 3.1 PURPOSE & APPLICABILITY

- B. **Pursuant to NCGS 160D-403 (a), all applications for development approval shall be made by a person with a property interest in the property or a contract to purchase the property, except for government-initiated map or text amendments.**

C. In accordance with NCGS 160D-104, all development approvals run with the land unless otherwise provided for in this ordinance. In order for a development approval to be revoked, the same process that used for the approval must be followed, in accordance with NCGS 160D-403 (f).

B. D. The development review process applies to all new development and alterations of existing development within the Town. The Administrator may waive the required development review for a change in principal use, where such change would not result in a change in lot coverage, parking, or other site characteristics. The development review may also be waived if the Administrator determines that the submission of a development plan in accordance with this Section would serve no useful purpose. The following chart indicates the appropriate approval process for each development type: Article 3 Review & Approval procedures.

Section 3.2.1 GENERAL PROVISIONS

H. If a Zoning Permit is denied, the Administrator shall specify the reasons for denial in writing and transmit the written denial within five (5) days of his/her decision to the applicant by first class mail. The applicant may appeal the action of the Administrator to the Board of Adjustment. Such appeal shall be made within 30 days of such permit denial, in accordance with Section 3.6 and NCGS **160D-405** ~~160D-4-5 (formerly 160A-388)~~.

Section 3.3.1 SUBDIVISION DEFINED

B. In accordance with NCGS **160D-802** ~~160D-8-2 (formerly 160A-376)~~, "Subdivision" shall mean all divisions of a tract or parcel of land into two (2) or more lots, building sites, or other divisions for the purpose of sale or building development (whether immediate or future) and shall include all divisions of land involving the dedication of a new street or a change in existing streets; but the following shall not be included within this definition nor be subject to the regulations of this Section:

Section 3.3.2 SUBDIVISION EXEMPTION

If the Administrator determines that a division of land does not meet the definition of a subdivision as set forth by NCGS **160D-802** ~~160D-8-2 (formerly 160A-376)~~, then the division shall be considered a subdivision exemption and shall not be subject to the subdivision

review process. The Administrator shall ensure that resultant lots comply with the dimensional, frontage and access requirements of the zoning district in which the property is located. Where a public street is to be created, dedicated and platted as part of the division, the division shall not be exempt from the provisions of this Ordinance regardless of any other factors. If the Administrator determines that the proposed division is exempt from the subdivision provisions of this Ordinance, the plat shall be endorsed with the following certificates, signed and dated by all record property owner(s) with direct interest in the property, the surveyor, and the Administrator:

Certificate of Subdivision Type by Surveyor

“This survey is of another category of subdivision such as recombination of existing parcels, a court-ordered survey, or other exception to the definition of subdivision per NCGS 160D-802 ~~160D-8-2 (formerly 160A-376)~~.”

- **Exempt Plat Certificate**

I certify that this plat is exempt from subdivision regulations in accordance with NCGS 160D-802 ~~160D-8-2 (formerly 160A-376)~~ and meets the minimum zoning standards of the Town of Mineral Springs.

_____ Date

Section 3.3.3 MINOR SUBDIVISION DEFINED

D. Minor Subdivisions shall follow the review procedures of Steps 1 and 10-12 in Section 3.3.6. **Prior to Final Plat approval, the applicant shall provide documentation of satisfactory approval by the Union County Health Department for onsite septic suitability for each new lot created.**

Section 3.3.6 SUBDIVISION PROCEDURES

STEP 9. IMPROVEMENTS INSTALLED AND INSPECTED OR GUARANTEED

C. In lieu of requiring the completion, installation and dedication of all improvements prior to Final Plat approval, the Town Council may enter into an agreement with the developer whereby the developer shall agree to complete all required improvements as specified by the approved Preliminary Plat and Construction Drawings for that portion of the

subdivision to be shown on the Final Plat within one (1) year of Final Plat approval. Once the security required herein is provided, the Final Plat may be approved by the Administrator, if all other requirements of this Ordinance are met. The Administrator shall require a certified cost estimate from a licensed contractor or engineer for the cost of completion of such improvements. The developer shall provide one (1) of the following guarantees in lieu of installation, in accordance with NCGS 160D-804 (g) ~~160D-8-4(g)~~ (formerly 160A-372 (f)):

Section 3.3.7 NO SUBDIVISION OR IMPROVEMENTS WITHOUT PLAT APPROVAL

- A. The Union County Review Officer or Union County Register of Deeds, pursuant to NCGS 160D-803 ~~160D-8-3~~ (formerly 160A-373) and NCGS 47-30.2, shall not certify or record a plat of a subdivision of land lying within the jurisdiction of this Ordinance that has not been approved in accordance with the provisions contained herein; nor shall the Clerk of Superior Court order or direct the recording of a plat if the recording would be in conflict with the provisions or intent of this Ordinance. Without approval, the filing or recording of a subdivision plat shall be null and void.

Section 3.3.9 PRELIMINARY PLAT VALIDITY

- D. The applicant shall submit an amended application for review as an original application substantial amendments or modifications are proposed after Preliminary Plat approval. This shall not apply to minor **modifications** ~~changes~~. A change may be considered a minor **modification** ~~change~~ if it does not involve any of the following:

Section 3.3.10 DEDICATION AND MAINTENANCE OF IMPROVEMENTS

No street shall be maintained by the Town, nor shall any street dedication be accepted for ownership and maintenance in any subdivision by virtue of enactment of this Ordinance. Pursuant to NCGS 160D-806 ~~160D-8-6~~ (formerly 160A-374), approval of a plat required under this Ordinance shall not be deemed to constitute or effect acceptance by the Town or NCDOT of the dedication of any street or other ground, public utility or other public facility shown on the plat. Rather such acceptance, if and when granted, will be by separate action.

Section 3.4.1 SPECIAL USE PERMIT PROCEDURES

Pursuant to NCGS **160D-705 (c)** ~~160D-7-5(c) (formerly 160A-388)~~, the Board of Adjustment, shall hear and decide requests for Special Use Permits for uses indicated in the Permitted Uses Table in Section 4.3.3 and as otherwise set forth in this Ordinance. The steps in the boxes below correspond with a detailed description of each step of the process on the following pages.

Step shown in boxes:

- STEP 4 NOTICE OF PUBLIC **EVIDENTIARY** HEARING
- STEP 5 BOARD OF ADJUSTMENT PUBLIC HEARING & DECISION

Section 3.4.1 SPECIAL USE PERMIT PROCEDURES

STEP 4. NOTICE OF **EVIDENTIARY** PUBLIC HEARING

The Administrator or Town Clerk shall provide notice of the public **evidentiary** hearing in the following manner as prescribed by NCGS **160D-406** ~~160D-4-6 (formerly 160A-388)~~. Notice of Special Use Permit hearings shall be mailed to the person or entity whose application is the subject of the hearing; to the owner of the property that is the subject of the hearing if the owner did not initiate the hearing; and to the owners of all parcels of land abutting the parcel of land that is the subject of the hearing. In the absence of evidence to the contrary, the Town may rely on the Union County tax listing to determine owners of property entitled to mailed notice. The notice must be deposited in the mail at least 10 days, but not more than 25 days, prior to the date of the hearing. Within that same time period, the Town shall also prominently post a notice of the hearing on the site that is the subject of the hearing or on an adjacent street or highway right-of-way.

STEP 5. BOARD OF ADJUSTMENT **EVIDENTIARY** PUBLIC HEARING AND DECISION

- A. The Board of Adjustment shall conduct a quasi-judicial **evidentiary** ~~public~~ hearing. Sworn testimony shall be provided by witnesses speaking before the Board on the matter.
- F. The Board shall determine contested facts and make its decision within a reasonable time. Every quasi-judicial decision shall be based upon competent, material, and substantial evidence in the record. Hearings may be continued, at the discretion of the ~~Town Council~~ **Board**, to permit the applicant to provide additional, missing or incomplete

information, when requested, to aid the Board of Adjustment in reaching a proper determination and/or to permit the Board to independently obtain such information. All reasonable expenses incurred by the Town for investigating and processing the matters before the Board are the responsibility of the applicant. These expenses may include, but are not limited to, the solicitation of Professional Engineers' Services, legal advice, expenses of public hearing(s) and the like; and shall be paid in full prior to delivery of the final notification of Board action for the subject matter.

- H. Every quasi-judicial decision shall be subject to review by the superior court by proceedings in the nature of certiorari pursuant to NCGS 160D-1402 ~~160D-4-6 (formerly 160A-393)~~. A petition for review shall be filed with the clerk of superior court by the later of 30 days after the decision is effective or after a written copy thereof is given in accordance this Section. When first-class mail is used to deliver notice, three (3) days shall be added to the time to file the petition.

Section 3.4.2 EFFECT OF APPROVAL

- C. Minor **modifications** changes in the detail of the approved plan may be made upon submittal to and the subsequent approval of the Administrator as long as the changes will not:
1. Alter the basic relationship of the proposed development to adjacent property;
 2. Alter the uses permitted or increase the density of development;
 3. Decrease the off-street parking ratio; and/or
 4. Reduce the yards provided at the boundary of the site.

The Administrator shall take action on such requests for minor **modifications** changes within 14 days, unless additional information is requested. A written decision shall be provided to applicant, and, if positive, a copy shall be forwarded to the Union County Register of Deeds. Any applicant may appeal a negative decision of the Administrator to the Board of Adjustment, which shall determine if an amendment to the Special Use Permit is required in order to allow the proposed minor **modifications** change to be made to the approved plan.

Section 3.5.1 VARIANCE PROCEDURES

Pursuant to NCGS 160D-705 ~~160D-7-5 (formerly 160A-388)~~, the Board of Adjustment may authorize Variances from the terms of this Ordinance as will not be contrary to the public

interest where, owing to special conditions, a literal enforcement of the provisions of this Ordinance would result in unnecessary hardship. The steps in the boxes below correspond with a detailed description of each step of the process on the following pages.

Steps shown in boxes:

- *STEP 4 NOTICE OF PUBLIC **EVIDENTIARY** HEARING*
- *STEP 5 BOARD OF ADJUSTMENT PUBLIC HEARING & DECISION*

STEP 4. NOTICE OF **EVIDENTIARY** PUBLIC HEARING

The Administrator or Town Clerk shall provide notice of the **evidentiary** public hearing in the following manner as prescribed by NCGS **160D-406** ~~160D-4-6 (formerly 160A-388)~~. Notice of Board of Adjustment hearings shall be mailed to the person or entity whose application is the subject of the hearing; to the owner of the property that is the subject of the hearing if the owner did not initiate the hearing; and to the owners of all parcels of land abutting the parcel of land that is the subject of the hearing. In the absence of evidence to the contrary, the Town may rely on the Union County tax listing to determine owners of property entitled to mailed notice. The notice must be deposited in the mail at least 10 days, but not more than 25 days, prior to the date of the hearing. Within that same time period, the Town shall also prominently post a notice of the hearing on the site that is the subject of the hearing or on an adjacent street or highway right-of-way.

STEP 5. BOARD OF ADJUSTMENT **EVIDENTIARY** PUBLIC HEARING AND DECISION

A.

2. The hardship results from conditions that are peculiar to the property, such as location, size, or topography. Hardships resulting from personal circumstances, as well as hardships resulting from conditions that are common to the neighborhood or the general public, may not be the basis for granting a variance, **except as necessary to make reasonable accommodation under the Federal Fair House Act for disabled residents;**

G. Every quasi-judicial decision shall be subject to review by the superior court by proceedings in the nature of certiorari pursuant to NCGS **160D-1402** ~~160D-4-6 (formerly 160A-393)~~. A petition for review shall be filed with the clerk of superior court by the later of 30 days after the decision is effective or after a written copy thereof is given in accordance this Section. When first-class mail is used to deliver notice, three (3) days shall be added to the time to file the petition.

Section 3.6.1 GENERAL PROVISIONS

- A. Any person who has standing under NCGS **160D-1402 (C)** ~~160D-14-2(e) (formerly 160A-393(d))~~, or the Town, may appeal a decision to the Board of Adjustment.

Section 3.6.2 APPEAL PROCEDURES

Pursuant to NCGS **160D-405** ~~160D-4-5 (formerly 160A-388)~~, the Board of Adjustment shall hear and decide Appeals from any order, requirement, decision or determination made by an administrative official charged with the enforcement of this Ordinance. The steps in the boxes below correspond with a detailed description of each step of the process on the following pages.

Steps shown in boxes:

- STEP 4 NOTICE OF PUBLIC **EVIDENTIARY** HEARING
- STEP 5 BOARD OF ADJUSTMENT PUBLIC HEARING & DECISION

STEP 3. NOTICE OF **EVIDENTIARY** PUBLIC HEARING

The Administrator shall provide notice of the **evidentiary** ~~public~~ hearing in the following manner as prescribed by NCGS **160D-406** ~~160D-4-6 (160A-388)~~. Notice of hearing shall be mailed to the person or entity whose application is the subject of the hearing, to the owner of the property that is the subject of the hearing (if the owner did not initiate the hearing), and to owners of property adjacent to the property for which the Appeal has filed. The mailed notices shall be deposited in the mail at least 10 days, but no more than 25 days, prior to the date of the hearing. The Town shall also prominently post a notice of the hearing on the site that is the subject of the hearing on an adjacent street or highway right-of-way. This notice shall be posted at least 10 days, but no more than 25 days, prior to the date of the hearing.

STEP 4. BOARD OF ADJUSTMENT **EVIDENTIARY** PUBLIC HEARING AND DECISION

- B. The Board of Adjustment shall conduct a quasi-judicial **evidentiary** ~~public~~ hearing. Sworn testimony shall be provided by witnesses speaking before the Board on the matter.
- D. When hearing an appeal pursuant to NCGS **160D-947 (e)** ~~160D-9-47(e) (formerly 160A-400.9(e))~~ or any other appeal in the nature of certiorari, the hearing shall be based on the record below and the scope of review shall be as provided in NCGS **160D-1402 (k)** ~~160D-14-2(k) (formerly 160A-393(k))~~.

H. Every quasi-judicial decision shall be subject to review by the superior court by proceedings in the nature of certiorari pursuant to NCGS 160D-1402 ~~160D-4-6~~ (formerly ~~160A-393~~). A petition shall be filed with the clerk of superior court by the later of 30 days after the decision is effective or after a written copy thereof is given in accordance with subdivision (1) of this subsection. When first-class mail is used to deliver notice, three (3) days shall be added to the time to file the petition.

Section 3.7.1 CERTIFICATE OF NONCONFORMITY ADJUSTMENT PROCEDURES

3.7.1 CERTIFICATE OF NONCONFORMITY ADJUSTMENT PROCEDURES

A Certificate of Nonconformity Adjustment may be granted by the Board of Adjustment to enlarge, expand, or otherwise alter a nonconforming use or structure as set forth in Article 8. Certificates shall be issued in accordance with quasi-judicial proceedings prescribed in NCGS 160D-406 ~~160D-4-6~~ (formerly ~~160A-388~~). The steps in the boxes below correspond with a detailed description of each step of the process on the following pages.

Steps shown in boxes:

- *STEP 4 NOTICE OF PUBLIC EVIDENTIARY HEARING*
- *STEP 5 BOARD OF ADJUSTMENT PUBLIC HEARING & DECISION*

STEP 3. NOTICE OF EVIDENTIARY ~~PUBLIC~~ HEARING

The Administrator shall provide notice of the evidentiary ~~public~~ hearing in the following manner as prescribed by NCGS 160D-406 ~~160D-4-6~~ (formerly ~~160A-388~~). Notice of hearing shall be mailed to the person or entity whose application is the subject of the hearing, to the owner of the property that is the subject of the hearing (if the owner did not initiate the hearing), and to owners of property adjacent to the property for which the Certificate of Nonconformity Adjustment is requested. The mailed notices shall be deposited in the mail at least 10 days, but no more than 25 days, prior to the date of the public hearing. The Town shall also prominently post a notice of the hearing on the site that is the subject of the hearing on an adjacent street or highway right-of-way. This notice shall be posted at least 10 days, but no more than 25 days, prior to the date of the hearing.

STEP 4. BOARD OF ADJUSTMENT EVIDENTIARY ~~PUBLIC~~ HEARING AND DECISION

A. The Board of Adjustment shall conduct a quasi-judicial evidentiary ~~public~~ hearing. Sworn testimony shall be provided by witnesses speaking before the Board on the matter. The

Board of Adjustment shall make the following findings-of-fact in granting a Certificate of Nonconformity Adjustment:

- E. Every quasi-judicial decision shall be subject to review by the superior court by proceedings in the nature of certiorari pursuant to NCGS **160D-1402** ~~160D-4-6 (formerly 160A-393)~~. A petition shall be filed with the clerk of superior court by the later of 30 days after the decision is effective or after a written copy thereof is given in accordance with subdivision (1) of this subsection. When first-class mail is used to deliver notice, three (3) days shall be added to the time to file the petition.

Section 3.8.1 ALTERNATIVE DESIGN PROPOSAL PROCEDURES

Pursuant to NCGS **160D-406** ~~160D-4-6 (formerly 160A-388)~~, the Town Council, acting as a Board of Adjustment, shall hear and decide requests for Alternative Design Proposals that differ from the requirements of Article 5 or 6 of this Ordinance in regards to landscaping, parking, infrastructure or building design due to unique site circumstances or creative design proposals, provided that the intent of this Ordinance is met. The steps in the boxes below correspond with a detailed description of each step of the process on the following pages.

Steps shown in boxes:

- *STEP 4 NOTICE OF PUBLIC **EVIDENTIARY** HEARING*
- *STEP 5 TOWN COUNCIL ~~PUBLIC HEARING & DECISION~~*

STEP 4. NOTICE OF PUBLIC HEARING

The Administrator or Town Clerk shall provide notice of the **evidentiary** public hearing in the following manner as prescribed by NCGS **160D-406** ~~160D-4-6 (formerly 160A-388)~~. Notice of Alternative Design Proposal hearings shall be mailed to the person or entity whose application is the subject of the hearing; to the owner of the property that is the subject of the hearing if the owner did not initiate the hearing; and to the owners of all parcels of land abutting the parcel of land that is the subject of the hearing. In the absence of evidence to the contrary, the Town may rely on the Union County tax listing to determine owners of property entitled to mailed notice. The notice must be deposited in the mail at least 10 days, but not more than 25 days, prior to the date of the hearing. Within that same time period, the Town shall also prominently post a notice of the hearing on the site that is the subject of the hearing or on an adjacent street or highway right-of-way.

STEP 5 TOWN COUNCIL PUBLIC HEARING AND DECISION

- A. The Town Council shall conduct a quasi-judicial **evidentiary** public hearing. Sworn testimony shall be provided by witnesses speaking before the Board on the matter.
- H. Every quasi-judicial decision shall be subject to review by the superior court by proceedings in the nature of certiorari pursuant to NCGS **160D-1402** ~~160D-4-6 (formerly 160A-393)~~. A petition for review shall be filed with the clerk of superior court by the later of 30 days after the decision is effective or after a written copy thereof is given in accordance this Section. When first-class mail is used to deliver notice, three (3) days shall be added to the time to file the petition.

Section 3.9.1 MAP AMENDMENT PROCEDURES

The Town Council may amend the Official Zoning Map in accordance with this section and NCGS Chapter 160D, Article 6 ~~(formerly 160A-384)~~. The steps in the boxes below correspond with a detailed description of each step of the process on the following pages.

Steps shown in boxes:

- STEP 5 NOTICE OF **LEGISLATIVE** PUBLIC HEARING
- STEP 6 TOWN COUNCIL **LEGISLATIVE** PUBLIC HEARING & DECISION

STEP 2. APPLICATION SUBMITTAL

- A. Applications to amend the Zoning Map may be initiated by Town Council, the Planning Board, or Town Staff, ~~or anyone who owns~~ **Except for a government-initiated zoning map amendment, when an application is filed by a** property or resides in the area of jurisdiction of this Ordinance or the agent of such person **and not filed by the landowner or authorized agent, then actual notice shall be provided to the landowner subject to NCGS 160D-602 (d). No reduction in zoning district intensity shall be initiated by any person other than the landowner or authorized agent, except for government-initiated amendments.** ~~except that~~ Conditional Zoning district requests may only be initiated by the property owner or agent of legal or equitable interest in the subject property.

STEP 6. TOWN COUNCIL LEGISLATIVE PUBLIC HEARING AND DECISION

- A. The Town Council shall take action on map amendments after a public hearing has been held. Subject to NCGS 160D-605, by a simple majority vote, the Town Council shall adopt one of the following statements to approve or deny the amendment:

STEP 4. PLANNING BOARD REVIEW & RECOMMENDATION

- B. By simple majority vote, the Planning Board shall provide a written recommendation to the Town Council that addresses plan consistency and other matters as deemed appropriate by the Planning Board, but a comment by the Planning Board that a proposed amendment is inconsistent with the comprehensive plan shall not preclude consideration or approval of the proposed amendment by the Town Council. Subject to NCGS 160D-604 (d), the Planning Board shall ~~may~~ advise the Town Council by making ~~make~~ one of the following recommendations regarding the amendment's consistency with adopted plans to the Town Council:

STEP 5. NOTICE OF EVIDENTIARY PUBLIC HEARING

In accordance with NCGS 160D-602 ~~160D-6-2 (formerly 160A-384)~~, the following notices shall be provided prior to the public hearing. The Administrator or Town Clerk shall certify that the requirements of subsections have been met. The Town shall charge the petitioner a separate fee to cover notification costs incurred.

- C. A notice shall be posted in a conspicuous place on the subject property or on an adjacent street or highway right-of-way at least ten (10) calendar days prior to the public hearing. When multiple parcels are included within a proposed zoning map amendment, a posting on each individual parcel is not required, but the Town shall post sufficient notices to provide reasonable notice to interested parties.
- D. At least ten (10) calendar days prior to the public hearing, a notice of the proposed zoning change shall be sent by first class mail to all adjacent property owners that lie within 200 feet as measured in all directions from the exterior boundaries of the property(ies) proposed for rezoning. In the case of large-scale rezonings (more than 50 properties owned by a total of at least 50 different property owners), the Town may elect to publish notice of hearing per Subsection A, provided that each of the advertisements shall not be less than one-half of a newspaper page in size. The advertisement shall only be effective for property owners who reside in the area of general circulations of the newspaper which

publishes the notice. Property owners who reside outside of the newspaper circulation area, according to the address listed on the most recent property tax listing for the affected property, shall be notified by first class mail.

- E. For map amendments initiated by a third party, property owner(s) who are not signatories of the application for zoning map amendment must be notified through personal delivery or registered, certified, or delivery receipt mail. Such notice shall state the existing zoning classification and the classification requested by the third party and the date, time and location of the public hearing. The notice shall be written by the Administrator, yet the burden for making this actual notice is on the third party requesting the rezoning, the proof of which shall be provided to the Administrator prior to the public hearing. This requirement shall not apply if a map amendment is initiated by the Town.

STEP 6. TOWN COUNCIL **LEGISLATIVE** PUBLIC HEARING AND DECISION

- A. The Town Council shall take action on map amendments after a public hearing has been held. **Subject to NCGS 160D-605**, by a simple majority vote, the Town Council shall adopt one of the following statements to approve or deny the amendment:

STEP 7. ADDITIONAL APPROVALS (AS REQUIRED)

- B. If no Zoning Permit has been issued or Preliminary Plat has been approved within two (2) years of the date of approval, or a Zoning Permit or Building Permit has expired for an approved Conditional Zoning District, then the Town Council may vote to rescind the Conditional Zoning District after having held a public hearing. The zoning district shall revert to the district in place prior to the approval of the Conditional Zoning district.

Section 3.9.2 CONDITIONAL ZONING DISTRICT PROCEDURES

D. In accordance with NCGS 160D-703 (b), specific conditions may be proposed by the petitioner or the Town, but only those conditions mutually approved and agreed upon in writing may be incorporated into the zoning regulations.

~~D.~~ **E.** Once a Conditional Zoning district has been approved, the Administrator shall have the authority to allow for minor **modifications** deviations from the approved site plan when, in the Zoning Administrator's opinion, such deviation (1) would not materially impact any adjacent or nearby properties, (2) is not in conflict with the spirit and intent of this Ordinance; ~~and~~ (3) would uphold the public's general interest and well-being, **and (4) would not modify the permitted uses, land use intensities, or residential densities.** Any **modifications** deviations that are deemed by the Administrator not to be "minor"

shall require the submittal of a new conditional zoning application and following the map amendment process.

Section 3.10.1 TEXT AMENDMENT PROCEDURES

The Town Council may amend the text of this Development Ordinance in accordance with this section and NCGS Chapter 160D, Article 6 (~~formerly 160A-384~~). The steps in the boxes below correspond with a detailed description of each step of the process on the following pages.

Steps shown in boxes:

- STEP 5 NOTICE OF **LEGISLATIVE** PUBLIC HEARING
- STEP 6 TOWN COUNCIL **LEGISLATIVE** PUBLIC HEARING & DECISION

STEP 4. PLANNING BOARD REVIEW & RECOMMENDATION

- A. By simple majority vote, the Planning Board shall provide a written recommendation to the Town Council that addresses plan consistency and other matters as deemed appropriate by the Planning Board, but a comment by the Planning Board that a proposed amendment is inconsistent with the Comprehensive Plan shall not preclude consideration or approval of the proposed amendment by the governing board. **Subject to NCGS 160D-604 (d)**, the Planning Board **shall** ~~may~~ **advise the Town Council by** making ~~make~~ one of the following recommendations regarding the amendment's consistency with adopted plans to the Town Council.

STEP 5. NOTICE OF **LEGISLATIVE** PUBLIC HEARING

- A. A notice shall be published in a newspaper having general circulation in the Town once a week for two (2) consecutive weeks provided that the first notice is published not less than 10 days nor more than 25 days prior to the date established for the ~~public~~ hearing.
- B. A notice shall be placed at a conspicuous public place within the corporate limits of the Town not less than 10 calendar days nor more than 25 calendar days before the date established for the ~~public~~ hearing.

STEP 6. TOWN BOARD LEGISLATIVE PUBLIC HEARING AND DECISION

- A. Following a public hearing, the Town Council shall take action on text amendments after a public hearing has been held. By a simple majority vote, the Town Council shall adopt one of the following statements to approve or deny the amendment:

Section 3.11.1 EXTENDED VESTED RIGHTS PROCEDURES

The Town Council may approve Extended zoning Vested Rights for site-specific vesting development plans subject to NCGS 160D-108.1 ~~160D-1-8 (formerly 160A-385.1)~~. The steps in the boxes below correspond with a detailed description of each step of the process on the following pages.

STEP 1. PRE-APPLICATION DISCUSSION WITH ADMINISTRATOR

- A. To minimize costs, avoid misunderstanding or misinterpretation, and ensure compliance with the requirements of this Ordinance, pre-application consultation between the applicant and the Administrator concerning the proposed Extended Vested Rights proposal is required. The Administrator shall review the request and discuss it with the applicant.

STEP 2. APPLICATION AND MATERIALS

To apply for a extended vested right, a landowner shall submit to the Administrator an application, fee, and site-specific vesting development plan meeting the requirements for Section 3.2.5 Site Plan (Step 2) or Section 3.3.6 Subdivision Preliminary Plat (Step 2), whichever is applicable.

STEP 4. PLANNING BOARD REVIEW & RECOMMENDATION

- A. Once the Administrator and Technical Review Committee deem the site-specific vesting development plan to be complete and meeting all applicable regulations, he or she shall schedule it to be reviewed by the Planning Board at their next regularly scheduled meeting. The Administrator must receive the complete plan at least 10 days prior to the Planning Board's next meeting date to place it on their agenda.
- B. Once the site-specific vesting development plan is forwarded, the Planning Board shall review the application and make a recommendation to the Town Council. The Planning Board shall have up to 30 days from their first meeting date to make such

recommendation. Alternatively, the Planning Board may request additional information of the applicant in order to aid them in their review of the application.

STEP 6. TOWN COUNCIL PUBLIC HEARING AND DECISION

- A. Once the public hearing has been conducted and concluded, the Town Council shall determine whether or not to approve the site-specific **vesting** development plan and accord the vested right. In approving an application for vested rights of a site-specific **vesting** development plan, the Town Council may attach fair and reasonable ad hoc conditions which tend to support the requiring finding of facts as herein listed.
- C. The Town Council may approve the site-specific **vesting** development plan if it has evaluated an application and determined that:
3. If the site-specific **vesting** development plan is vested for a period of greater than two (2) years, this decision shall be based on one or more of the following factors preventing the developer from securing all building permits within two (2) years:
 - The sizing and phasing of the development;
 - The level of investment;
 - The need for the development; or
 - Economic cycles or market conditions.
- E. If the use or development for which the site-specific **vesting** development plan is submitted is a conditional use, the Town Council may approve the site-specific **vesting** development plan contemporaneously with the approval of the Special Use Permit, in accordance with quasi-judicial procedures. In no case, however, may a site-specific **vesting** development plan be approved for a use or development which requires the issuance of a Special Use Permit without the Special Use Permit having first been issued.

ARTICLE 4 ZONING DISTRICTS & USES

Section 4.4.2.3 ACCESSORY TEMPORARY HEALTH CARE STRUCTURES

Temporary health care structures as defined by NCGS **160D-915** ~~160D-9-14 (formerly 160A-383.5)~~ are permitted as residential accessory structures provided that the following conditions are met:

Section 4.4.2.5 FAMILY CARE HOMES

In accordance with NCGS **160D-907** ~~160D-9-6 (formerly 122C, 131D and 168)~~, these uses are deemed residential uses and are permitted in all residential districts subject to the following conditions:

Section 4.4.7.6 TELECOMMUNICATIONS TOWERS AND FACILITIES

R. Collocation of Small Wireless Facilities

Collocation of small wireless facilities are permitted pursuant to NCGS **160D-935** ~~160D-9-35 (formerly 160A-400.54-57)~~, provided that all new pole structures meet the aesthetic standards for lighting set forth in Section 5.6.5.

ARTICLE 5 FLOODPLAIN DAMAGE PREVENTION STANDARDS

Section 5.3.3.1 STATUTORY AUTHORIZATION

The Legislature of the State of North Carolina has in NCGS Ch. 143, Art. 21, Part 6 and NCGS **160D-923** ~~160D-9-23 (formerly NCGS. Ch. 160A, Art. 19, Part 3, 5 and 8)~~, delegated to local governmental units the responsibility to adopt regulations designed to promote the public health, safety, and general welfare of its citizenry including the regulations set out in this chapter. Therefore, the Town Council of Mineral Springs, North Carolina, does ordain as follows in this Section.

ARTICLE 8 NONCONFORMITIES

Section 8.7 CERTIFICATE OF NONCONFORMITY ADJUSTMENT

B. The Board of Adjustment shall conduct **an evidentiary** ~~a public~~ hearing on the application in accordance with the requirements of Section 3.7 in the manner prescribed in NCGS **160D-406** ~~160D-4-6 (formerly 160A-388)~~.

ARTICLE 9 DEFINITIONS

APPEAL. A request for the review of an Administrator determination in relationship to the interpretation of this Ordinance subject to the statutory requirements set for in NCGS **160D-405** ~~160D-4-5 (formerly 160A-388)~~ and Section 3.6 of this Ordinance.

BEDROOM. A fully enclosed interior room with a closet, door, and window for egress.

BOARD, PLANNING. An appointed advisory board to the Town Council to be tasked with the duties set forth in NCGS **160D-301** ~~160D-3-1 (formerly 160A-361).~~

BOARD OF ADJUSTMENT. An appointed review board tasked with the duties set forth in NCGS **160D-302** ~~160D-3-2 (formerly 160A-388)~~ to make quasi-judicial decisions upon appeals, variances and Special Use Permits.

DWELLING. Any building, structure, manufactured home, or mobile home, or part thereof, used and occupied for human habitation or intended to be so used, and includes any outhouses and appurtenances belonging thereto or usually enjoyed therewith.

DWELLING UNIT. A single unit providing complete, independent living facilities for one (1) or more persons, including permanent provisions for living, sleeping, eating, cooking and sanitation.

FAMILY CARE HOME. A facility subject to NCGS **160D-907** ~~160D-9-6 (formerly 168-22)~~ that is licensed by the State of North Carolina as a family care home with support and supervisory personnel that provide room and board, personal care, and habilitation services in a family environment in a single housekeeping unit for not more than six (6) resident persons, with a temporary or permanent physical, emotional, or mental disability including, but not limited to, mental retardation, cerebral palsy, epilepsy, autism, hearing and sight impairments, emotional disturbances and orthopedic impairments, but not including mentally ill persons who are dangerous to others. "Dangerous to others" means that within the relevant past, the individual has inflicted or attempted to inflict or threatened to inflict serious bodily harm on another, or has acted in such a way as to create a substantial risk of serious bodily harm to another, or has engaged in extreme destruction of property; and that there is a reasonable probability that this conduct will be repeated. Previous episodes of dangerousness to others, when applicable, may be considered when determining reasonable probability of future dangerous conduct. Clear, cogent, and convincing evidence that an individual has committed a homicide in the relevant past is prima facie evidence of dangerousness to others.

SLEEPING UNIT. A room or space in which people sleep, which can also include permanent provisions for living, eating, and either sanitation or kitchen facilities but not both. Such rooms and spaces that are also part of a dwelling unit are not sleeping units.

TEMPORARY HEALTH CARE STRUCTURE. A transportable residential structure permitted under NCGS **160D-915** ~~160D-9-14 (formerly 160A-383.5)~~, providing an environment facilitating a caregiver’s provision of care for a mentally or physically impaired person, that (i) is primarily assembled at a location other than its site of installation, (ii) is limited to one (1) occupant who shall be the mentally or physically impaired person, (iii) has no more than 300 gross square feet, and (iv) complies with applicable provisions of the State Building Code and NCGS 143-139.1(b).

3. Consideration of Adopting O-2020-04 – Action Item

Mayor Becker explained in June the council approved the \$33,000 contract with Benchmark for rewriting the Land Use Plan/Comprehensive Plan. That will take the bulk of the fiscal year, it looks like it is roughly an 11-month timeline. Last month, council approved the expenditure, the contract has not been received yet, which is good because Mayor Becker did not want to sign the contract until the budget was amended to allow the town to pay for it. Adding \$25,000 will add enough into the Planning Department budget to cover the \$33,000 expenditure and meet the pre-audit requirements.

Councilwoman Critz motioned to adopt the budget amendment O-2020-04 and Councilwoman Cureton seconded. Ms. Brooks polled the council on the vote. The motion passed unanimously. Ayes: Coffey, Countryman, Critz, Cureton, and Krafft. Nays: None.

Ordinance-2020-04 is as follows:

STATE OF NORTH CAROLINA
TOWN OF MINERAL SPRINGS

**AN ORDINANCE AMENDING THE BUDGET OF
THE TOWN OF MINERAL SPRINGS
FOR THE FISCAL YEAR 2021-2022
O-2020-04**

WHEREAS, NC G.S. 159-15 authorizes a municipal governing board to amend the annual budget ordinance at any time after the ordinance’s adoption;

NOW, THEREFORE BE IT ORDAINED by the Council of the Town of Mineral Springs, North Carolina, the following, Amendment #2021-01:

SECTION 1. Appropriations and Amounts.

INCREASE	
Planning	\$25,000
Total	\$25,000

SECTION 2. **Revenues and Amounts.**

INCREASE	
Fund Balance Appropriated	\$25,000
Total	\$25,000

SECTION 3. **Effective Date.** This ordinance is effective upon adoption.

ADOPTED this 29th day of June, 2021. Witness my hand and official seal:

Frederick Becker III, Mayor

Attest:

Vicky A. Brooks, Clerk

4. Adjournment – Action Item

At 7:41 p.m. Councilwoman Critz motioned to adjourn the meeting and Councilman Countryman seconded. Ms. Brooks polled the council on the vote. The motion passed unanimously. Ayes: Coffey, Countryman, Critz, Cureton, and Krafft. Nays: None.

The next regular meeting will be on Thursday, July 8, 2021 at 7:30 p.m. at the Mineral Springs Town Hall.

Respectfully submitted by:

Vicky A. Brooks, CMC, NCCMC, Town Clerk

Frederick Becker III, Mayor

MAY 2021
TOWN OF MINERAL SPRINGS
PERCENTAGE REPORT

MAY 28, 2021 REGULAR TAX	2021	2020	2019	2018	2017	2016
BEGINNING CHARGE	161.07	69,621.89	67,917.93	67,335.09	65,402.91	61,553.74
TAX CHARGE						
PUBLIC UTILITIES CHARGES						
DISCOVERIES						
NON-DISCOVERIES						
RELEASES		(1.64)				
TOTAL CHARGE	161.07	69,620.25	67,917.93	67,335.09	65,402.91	61,553.74
BEGINNING COLLECTIONS	55.37	69,178.45	67,698.25	67,255.93	65,331.09	61,487.70
COLLECTIONS - TAX	9.09	62.01		0.88		
COLLECTIONS - INTEREST		2.56		0.12		
TOTAL COLLECTIONS	64.46	69,240.46	67,698.25	67,256.81	65,331.09	61,487.70
BALANCE OUTSTANDING	96.61	379.79	219.68	78.28	71.82	66.04
PERCENTAGE OF REGULAR	0.40	0.99	1.00	1.00	1.00	1.00
COLLECTION FEE 1.5 %	0.14	0.97	-	0.02	-	-

Mineral Springs Prior Years Property Tax Report

May 2021

May 31, 2021	2011				
BEGINNING CHARGE	\$64,878.42				
PUBLIC UTILITIES	\$1,319.20				
MINIMAL RELEASES	(\$145.21)				
DISCOVERIES	\$61.82				
ABATEMENTS (RELEASES)	(\$301.25)				
TOTAL CHARGE	\$65,812.98				
PREVIOUS COLLECTIONS	\$65,767.98				
PREVIOUS BALANCE DUE	\$19.54				\$19.54
COLLECTIONS - TAX					\$0.00
COLLECTIONS - INTEREST/FEES					\$0.00
GROSS MONTHLY COLLECTIONS					
MISC. ADJUSTMENTS					
TOTAL TAX COLLECTED TO DATE	\$65,767.98				
BALANCE OUTSTANDING	\$17.32				\$17.32
PERCENTAGE COLLECTED	99.93%				

Mineral Springs Unpaid Property Taxes - Real and Personal as of May 31, 2021

Name	Tax Map Number	2011	Total
CAROLINA STREET SUPPLY, SHEPPARD JONATHAN	848391	\$6.88	
COOMBER CUSTOM MASONRY LLC	1812652	\$10.44	
Total		\$17.32	\$17.32

Town of Mineral Springs

FINANCE REPORT

May 2021

Prepared for:

The Mineral Springs Town Council

By:

Frederick Becker III
Finance Officer

July 8, 2021

This page has been intentionally left blank.

Cash Flow Report FY2020 YTD

7/1/2020 through 5/31/2021

6/27/2021

Page 1

Category	7/1/2020- 5/31/2021
INCOME	
Interest Income	3,237.54
Other Inc	
Festival 2020	
Vendor	-75.00
TOTAL Festival 2020	-75.00
Zoning	3,965.00
TOTAL Other Inc	3,890.00
Prop Tax 2020	
Receipts 2020	
Int	102.84
Tax	69,178.45
TOTAL Receipts 2020	69,281.29
TOTAL Prop Tax 2020	69,281.29
Prop Tax 2021	
Receipts 2021	
Prepayments	55.37
TOTAL Receipts 2021	55.37
TOTAL Prop Tax 2021	55.37
Prop Tax Prior Years	
Prop Tax 2010	
Receipts 2010	
Int	2.30
Tax	2.22
TOTAL Receipts 2010	4.52
TOTAL Prop Tax 2010	4.52
Prop Tax 2011	
Receipts 2011	
Int	2.10
Tax	2.22
TOTAL Receipts 2011	4.32
TOTAL Prop Tax 2011	4.32
Prop Tax 2014	
Receipts 2014	
Int	0.25
Tax	7.20
TOTAL Receipts 2014	7.45
TOTAL Prop Tax 2014	7.45
Prop Tax 2015	
Receipts 2015	
Int	7.93
Tax	0.00
TOTAL Receipts 2015	7.93
TOTAL Prop Tax 2015	7.93
Prop Tax 2016	
Receipts2016	
Int	5.97
Tax	16.35
TOTAL Receipts2016	22.32
TOTAL Prop Tax 2016	22.32

Cash Flow Report FY2020 YTD

7/1/2020 through 5/31/2021

6/27/2021

Page 2

Category	7/1/2020- 5/31/2021
Prop Tax 2017	
Receipts2017	
Int	4.73
Tax	19.88
TOTAL Receipts2017	24.61
TOTAL Prop Tax 2017	24.61
Prop Tax 2018	
Receipts	
Int	14.35
Tax	58.30
TOTAL Receipts	72.65
TOTAL Prop Tax 2018	72.65
Prop Tax 2019	
Receipts 2019	
Int	26.01
Tax	255.33
TOTAL Receipts 2019	281.34
TOTAL Prop Tax 2019	281.34
TOTAL Prop Tax Prior Years	425.14
Sales Tax	
Beer& Wine Tax	12,885.10
Cable TV	9,678.84
Electricity	109,289.54
Natural Gas Excise	223.78
Sales & Use Dist	21,578.77
telecommunications	1,770.17
TOTAL Sales Tax	155,426.20
Veh Tax	
Int 2020	54.23
Tax 2020	7,396.89
TOTAL Veh Tax	7,451.12
TOTAL INCOME	239,766.66
EXPENSES	
Ads	373.52
Attorney	3,300.00
Audit	4,730.00
Capital Outlay	
Equipment	2,454.00
Land Acquisition	6,147.00
TOTAL Capital Outlay	8,601.00
Charities & Agencies	2,375.00
Community	
Greenway	1,245.28
Maint	3,725.35
Parks & Rec	
Park	2,228.39
TOTAL Parks & Rec	2,228.39
Special Events	
Services	4,000.00
TOTAL Special Events	4,000.00

Cash Flow Report FY2020 YTD

7/1/2020 through 5/31/2021

6/27/2021

Page 3

Category	7/1/2020- 5/31/2021
TOTAL Community	11,199.02
Emp	
Benefits	
Dental	984.00
Life	624.96
NCLGERS	14,610.09
Vision	168.00
TOTAL Benefits	16,387.05
Bond	650.00
FICA	
Med	1,699.18
Soc Sec	7,263.82
TOTAL FICA	8,963.00
Payroll	1,804.05
Work Comp	2,056.00
TOTAL Emp	29,860.10
Intergovernmental	
Study	2,500.00
TOTAL Intergovernmental	2,500.00
Office	
Clerk	35,288.00
Council	9,900.00
Deputy Clerk	10,103.43
Dues	7,081.26
Equip	1,509.40
Finance Officer	32,593.00
Ins	3,267.67
Maint	
Materials	243.27
Service	6,607.40
TOTAL Maint	6,850.67
Mayor	4,400.00
Misc	149.90
Post	537.95
Records	5,092.32
Supplies	2,467.28
Tel	6,249.27
Util	5,343.80
TOTAL Office	130,833.95
Planning	
Administration	
Contract	1,294.92
Salaries	30,503.00
TOTAL Administration	31,797.92
Misc	831.38
Ordinance Changes	1,780.00
TOTAL Planning	34,409.30
Street Lighting	860.31
Tax Coll	
Contract	1,271.34
Sal	275.00

Cash Flow Report FY2020 YTD

7/1/2020 through 5/31/2021

6/27/2021

Page 4

Category	7/1/2020- 5/31/2021
TOTAL Tax Coll	1,546.34
Training	
Staff	275.76
TOTAL Training	275.76
Travel	448.86
TOTAL EXPENSES	231,313.16
TRANSFERS	
FROM Check Min Spgs	110,000.00
FROM MM Sav ParkSterling	100,000.00
TO MM Sav ParkSterling	-110,000.00
TO South State CD	-100,000.00
TOTAL TRANSFERS	0.00
OVERALL TOTAL	8,453.50

Account Balances History Report - As of 5/31/2021

(Includes unrealized gains)

Account	6/29/2020	6/30/2020	7/31/2020	8/31/2020	9/30/2020	10/31/2020	11/30/2020
	Balance	Balance	Balance	Balance	Balance	Balance	Balance
ASSETS							
Cash and Bank Accounts							
Check Min Spgs	84,738.71	84,441.45	51,105.04	35,026.47	31,724.67	20,959.01	8,805.82
MM Sav ParkSterling	619,614.94	619,750.75	619,882.34	620,013.96	570,140.68	570,257.83	570,330.48
NCCMT_Cash	2,357.24	2,357.40	2,357.54	2,357.63	2,357.67	2,357.69	2,357.71
South State CD	206,460.52	206,460.52	206,460.52	207,313.97	307,618.66	307,618.66	307,618.66
TOTAL Cash and Bank Accounts	913,171.41	913,010.12	879,805.44	864,712.03	911,841.68	901,193.19	889,112.67
Other Assets							
State Revenues Receivable	0.00	60,342.45	57,639.53	55,462.21	0.00	0.00	0.00
TOTAL Other Assets	0.00	60,342.45	57,639.53	55,462.21	0.00	0.00	0.00
TOTAL ASSETS	913,171.41	973,352.57	937,444.97	920,174.24	911,841.68	901,193.19	889,112.67
LIABILITIES							
Other Liabilities							
Accounts Payable	692.76	2,247.05	692.76	692.76	692.76	692.76	692.76
TOTAL Other Liabilities	692.76	2,247.05	692.76	692.76	692.76	692.76	692.76
TOTAL LIABILITIES	692.76	2,247.05	692.76	692.76	692.76	692.76	692.76
OVERALL TOTAL	912,478.65	971,105.52	936,752.21	919,481.48	911,148.92	900,500.43	888,419.91

Account Balances History Report - As of 5/31/2021

(Includes unrealized gains)

6/27/2021

Account	12/31/2020	1/31/2021	2/28/2021	3/31/2021	4/30/2021	5/31/2021
	Balance	Balance	Balance	Balance	Balance	Balance
ASSETS						
Cash and Bank Accounts						
Check Min Spgs	32,057.47	33,878.40	24,480.25	62,216.79	41,260.52	38,445.57
MM Sav ParkSterling	630,403.88	630,479.01	630,527.38	630,584.39	630,636.22	630,684.60
NCCMT_Cash	2,357.73	2,357.75	2,357.77	2,357.79	2,357.81	2,357.83
South State CD	308,193.83	308,193.83	308,193.83	308,763.78	308,763.78	308,763.78
TOTAL Cash and Bank Accounts	973,012.91	974,908.99	965,559.23	1,003,922.75	983,018.33	980,251.78
Other Assets						
State Revenues Receivable	0.00	0.00	0.00	0.00	0.00	0.00
TOTAL Other Assets	0.00	0.00	0.00	0.00	0.00	0.00
TOTAL ASSETS	973,012.91	974,908.99	965,559.23	1,003,922.75	983,018.33	980,251.78
LIABILITIES						
Other Liabilities						
Accounts Payable	692.76	692.76	692.76	692.76	692.76	692.76
TOTAL Other Liabilities	692.76	692.76	692.76	692.76	692.76	692.76
TOTAL LIABILITIES	692.76	692.76	692.76	692.76	692.76	692.76
OVERALL TOTAL	972,320.15	974,216.23	964,866.47	1,003,229.99	982,325.57	979,559.02

Mineral Springs Monthly Revenue Summary 2020-21

TOWN OF MINERAL SPRINGS												
REVENUE SUMMARY 2020-21												
Source	Budget	Receivable	Rec'd YTD	% of Budget	July	August	September	October	November			
Property Tax - prior	\$ 600.00	\$ 174.86	\$ 425.14	70.9%	\$ 4.52	\$ 57.10	\$ 18.47	\$ 39.40	\$ (5.99)			
Property Tax - 2020	\$ 67,210.00	\$ (2,071.29)	\$ 69,281.29	103.1%	\$ -	\$ 333.44	\$ 5,713.94	\$ 3,188.44	\$ 3,676.50			
Fund Balance Approp.	\$ -	\$ -	\$ -		\$ -	\$ -	\$ -	\$ -	\$ -			
Interest	\$ 5,825.00	\$ 2,587.46	\$ 3,237.54	55.6%	\$ 131.73	\$ 985.16	\$ 431.45	\$ 117.17	\$ 72.67			
Sales Tax - Electric	\$ 207,000.00	\$ 97,710.46	\$ 109,289.54	52.8%	\$ -	\$ -	\$ -	\$ -	\$ -			
Sales Tax - Sales & Use	\$ 21,400.00	\$ (178.77)	\$ 21,578.77	100.8%	\$ -	\$ -	\$ 2,572.44	\$ 2,406.60	\$ 2,182.40			
Sales Tax - Other Util.	\$ 22,995.00	\$ 11,322.21	\$ 11,672.79	50.8%	\$ -	\$ -	\$ -	\$ -	\$ -			
Sales Tax - Alc. Bev.	\$ 13,015.00	\$ 129.90	\$ 12,885.10	99.0%	\$ -	\$ -	\$ -	\$ -	\$ -			
Vehicle Taxes	\$ 7,935.00	\$ 483.88	\$ 7,451.12	93.9%	\$ -	\$ 822.14	\$ -	\$ 1,522.09	\$ 730.49			
Zoning Fees	\$ 2,500.00	\$ (1,465.00)	\$ 3,965.00	158.6%	\$ 100.00	\$ 500.00	\$ 360.00	\$ 100.00	\$ 205.00			
Other	\$ 3,000.00	\$ 3,019.63	\$ (19.63)	-0.7%	\$ -	\$ (75.00)	\$ -	\$ -	\$ -			
Totals	\$ 351,480.00	\$ 111,713.34	\$ 239,766.66	68.2%	\$ 236.25	\$ 2,622.84	\$ 9,096.30	\$ 7,373.70	\$ 6,861.07			
December	January	February	March	April	May	June	June a/r					
Property Tax - prior	\$ 6.19	\$ 99.39	\$ 128.31	\$ 23.98	\$ 24.32	\$ 29.45						
Property Tax - 2020	\$ 31,196.45	\$ 17,246.74	\$ 5,376.86	\$ 1,831.22	\$ 462.35	\$ 255.35						
Fund Balance Approp.	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -						
Interest	\$ 648.59	\$ 75.15	\$ 48.39	\$ 626.98	\$ 51.85	\$ 48.40						
Sales Tax - Electric	\$ 60,943.13	\$ -	\$ -	\$ 48,346.41	\$ -	\$ -						
Sales Tax - Sales & Use	\$ 2,420.57	\$ 2,396.90	\$ 2,454.87	\$ 2,733.71	\$ 2,330.41	\$ 2,080.87						
Sales Tax - Other Util.	\$ 6,304.41	\$ -	\$ -	\$ 5,368.38	\$ -	\$ -						
Sales Tax - Alc. Bev.	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 12,885.10						
Vehicle Taxes	\$ -	\$ 608.54	\$ 1,224.25	\$ 736.10	\$ 902.63	\$ 904.88						
Zoning Fees	\$ 75.00	\$ 660.00	\$ 485.00	\$ 405.00	\$ 625.00	\$ 450.00						
Other	\$ -	\$ -	\$ 22.50	\$ 31.23	\$ 0.29	\$ 1.35						
Totals	\$ 101,594.34	\$ 21,086.72	\$ 9,740.18	\$ 60,103.01	\$ 4,396.85	\$ 16,655.40	\$ -	\$ -	\$ 6,861.07			

Mineral Springs Budget Comparison 2020-21

TOWN OF MINERAL SPRINGS										
BUDGET COMPARISON 2020-2021										
Appropriation dept	Budget	Unspent	Spent YTD	% of Budget	July	August	September	October	November	
Advertising	\$ 1,800.00	\$ 1,426.48	\$ 373.52	20.8%	\$ -	\$ -	\$ -	\$ -	\$ -	
Attorney	\$ 9,600.00	\$ 6,300.00	\$ 3,300.00	34.4%	\$ 300.00	\$ -	\$ 300.00	\$ 300.00	\$ 300.00	\$ 300.00
Audit	\$ 4,730.00	\$ -	\$ 4,730.00	100.0%	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 3,311.00
Charities & Agencies	\$ 10,825.00	\$ 8,450.00	\$ 2,375.00	21.9%	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Community Projects	\$ 30,800.00	\$ 19,600.98	\$ 11,199.02	36.4%	\$ 13.56	\$ 4,361.49	\$ 417.66	\$ 888.07	\$ 212.65	
Contingency	\$ 3,000.00	\$ 3,000.00	\$ -	0.0%	\$ -	\$ -	\$ -	\$ -	\$ -	
Employee Overhead	\$ 32,500.00	\$ 2,639.90	\$ 29,860.10	91.9%	\$ 5,046.45	\$ 2,573.95	\$ 2,451.51	\$ 2,448.85	\$ 2,441.03	
Elections	\$ -	\$ -	\$ -	0.0%	\$ -	\$ -	\$ -	\$ -	\$ -	
Fire Protection	\$ 12,000.00	\$ 12,000.00	\$ -	0.0%	\$ -	\$ -	\$ -	\$ -	\$ -	
Intergovernmental	\$ 15,000.00	\$ 12,500.00	\$ 2,500.00	16.7%	\$ -	\$ -	\$ -	\$ -	\$ -	
Office & Administrative	\$ 149,844.00	\$ 19,010.05	\$ 130,833.95	87.3%	\$ 24,631.68	\$ 9,990.84	\$ 10,875.37	\$ 11,156.92	\$ 9,722.33	
Planning & Zoning	\$ 48,276.00	\$ 13,866.70	\$ 34,409.30	71.3%	\$ 4,497.87	\$ 2,912.46	\$ 3,055.95	\$ 3,032.02	\$ 2,773.00	
Street Lighting	\$ 1,600.00	\$ 739.69	\$ 860.31	53.8%	\$ -	\$ -	\$ 217.38	\$ 79.50	\$ 79.50	
Tax Collection	\$ 1,900.00	\$ 353.66	\$ 1,546.34	81.4%	\$ 25.00	\$ 54.83	\$ 110.99	\$ 116.83	\$ 102.08	
Training	\$ 3,000.00	\$ 2,724.24	\$ 275.76	9.2%	\$ 75.00	\$ -	\$ -	\$ -	\$ -	
Travel	\$ 4,200.00	\$ 3,751.14	\$ 448.86	10.7%	\$ -	\$ -	\$ -	\$ -	\$ -	
Capital Outlay	\$ 22,405.00	\$ 13,804.00	\$ 8,601.00	38.4%	\$ -	\$ -	\$ -	\$ -	\$ -	
Totals	\$ 351,480.00	\$ 120,166.84	\$ 231,313.16	65.8%	\$ 34,589.56	\$ 19,893.57	\$ 17,428.86	\$ 18,022.19	\$ 18,941.59	
Off Budget:										
Tax Refunds					\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Interfund Transfers					\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Total Off Budget:			\$ -		\$ -	\$ -	\$ -	\$ -	\$ -	\$ -

Mineral Springs Budget Comparison 2020-21

Appropriation dept	December	January	February	March	April	May	June	June a/p
Advertising	\$ 69.65	\$ -	\$ -	\$ -	\$ 49.75	\$ 254.12		
Attorney	\$ 300.00	\$ 300.00	\$ 600.00	\$ 300.00	\$ 300.00	\$ 300.00		
Audit	\$ -	\$ -	\$ -	\$ 1,419.00	\$ -	\$ -		
Charities & Agencies	\$ -	\$ -	\$ -	\$ 2,375.00	\$ -	\$ -		
Community Projects	\$ 1,732.90	\$ 1,834.90	\$ 212.65	\$ 420.45	\$ 889.60	\$ 215.09		
Contingency	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -		
Employee Overhead	\$ 2,434.99	\$ 2,600.39	\$ 2,429.28	\$ 2,453.98	\$ 2,298.08	\$ 2,681.59		
Elections	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -		
Fire Protection	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -		
Intergovernmental	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 2,500.00		
Office & Administrative	\$ 9,637.74	\$ 11,177.25	\$ 10,396.92	\$ 11,567.45	\$ 11,283.39	\$ 10,394.06		
Planning & Zoning	\$ 2,773.00	\$ 2,773.00	\$ 2,773.00	\$ 2,773.00	\$ 4,273.00	\$ 2,773.00		
Street Lighting	\$ 79.50	\$ -	\$ 79.50	\$ 159.00	\$ -	\$ 165.93		
Tax Collection	\$ 493.04	\$ 304.34	\$ 144.59	\$ 76.11	\$ 60.45	\$ 58.08		
Training	\$ -	\$ 200.76	\$ -	\$ -	\$ -	\$ -		
Travel	\$ 173.28	\$ -	\$ -	\$ 195.50	\$ -	\$ 80.08		
Capital Outlay	\$ -	\$ -	\$ 2,454.00	\$ -	\$ 6,147.00	\$ -		
Totals	\$ 17,694.10	\$ 19,190.64	\$ 19,089.94	\$ 21,739.49	\$ 25,301.27	\$ 19,421.95	\$ -	\$ -
Off Budget:								
Tax Refunds	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Interfund Transfers	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Total Off Budget:	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -

May 2020 Cash Flow Report - May 2021

5/1/2021 through 5/31/2021

6/21/2021

Page 1

Category	5/1/2021- 5/31/2021
INCOME	
Interest Income	48.40
Other Inc	
Zoning	450.00
TOTAL Other Inc	450.00
Prop Tax 2020	
Receipts 2020	
Int	10.64
Tax	244.71
TOTAL Receipts 2020	255.35
TOTAL Prop Tax 2020	255.35
Prop Tax 2021	
Receipts 2021	
Prepayments	1.35
TOTAL Receipts 2021	1.35
TOTAL Prop Tax 2021	1.35
Prop Tax Prior Years	
Prop Tax 2015	
Receipts 2015	
Int	1.82
Tax	0.00
TOTAL Receipts 2015	1.82
TOTAL Prop Tax 2015	1.82
Prop Tax 2018	
Receipts	
Int	1.11
Tax	0.40
TOTAL Receipts	1.51
TOTAL Prop Tax 2018	1.51
Prop Tax 2019	
Receipts 2019	
Int	2.70
Tax	23.42
TOTAL Receipts 2019	26.12
TOTAL Prop Tax 2019	26.12
TOTAL Prop Tax Prior Years	29.45
Sales Tax	
Beer & Wine Tax	12,885.10
Sales & Use Dist	2,080.87
TOTAL Sales Tax	14,965.97
Veh Tax	
Int 2020	7.86
Tax 2020	897.02
TOTAL Veh Tax	904.88
TOTAL INCOME	16,655.40
EXPENSES	
Ads	254.12
Attorney	300.00
Community	

May 2020 Cash Flow Report - May 2021

5/1/2021 through 5/31/2021

6/21/2021

Page 2

Category	5/1/2021- 5/31/2021
Parks & Rec	
Park	215.09
TOTAL Parks & Rec	215.09
TOTAL Community	215.09
Emp	
Benefits	
Dental	164.00
Life	104.16
NCLGERS	1,328.19
Vision	28.00
TOTAL Benefits	1,624.35
Bond	100.00
FICA	
Med	153.70
Soc Sec	657.04
TOTAL FICA	810.74
Payroll	146.50
TOTAL Emp	2,681.59
Intergovernmental	
Study	2,500.00
TOTAL Intergovernmental	2,500.00
Office	
Clerk	3,208.00
Council	900.00
Deputy Clerk	865.21
Finance Officer	2,963.00
Maint	
Materials	67.92
Service	978.00
TOTAL Maint	1,045.92
Mayor	400.00
Supplies	435.50
Tel	405.20
Util	171.23
TOTAL Office	10,394.06
Planning	
Administration	
Salaries	2,773.00
TOTAL Administration	2,773.00
TOTAL Planning	2,773.00
Street Lighting	165.93
Tax Coll	
Contract	33.08
Sal	25.00
TOTAL Tax Coll	58.08
Travel	80.08
TOTAL EXPENSES	19,421.95
OVERALL TOTAL	-2,766.55

Register Report - May 2021

5/1/2021 through 5/31/2021

6/27/2021

Page 1

Date	Num	Description	Memo	Category	Clr	Amount
5/2/2021	EFT	Debit Card (Lowe's)	Gloves, Trash Bags ...	Office:Maint:Materials	R	-54.83
5/3/2021	609...	Municipal Insurance ...	5/21 (FY2020)	Emp:Benefits:Life	R	-52.08
			5/21 (FY2020)	Emp:Benefits:Dental	R	-82.00
			5/21 (FY2020)	Emp:Benefits:Vision	R	-14.00
5/3/2021	6095	Verizon Wireless	221474588-00001 (...)	Office:Tel	R	-69.18
5/3/2021	6096	Duke Power	9100 3284 5207 (FY...	Street Lighting	R	-72.01
5/3/2021	6097	Union County Accou...	Critical Intersection ...	Intergovernmental:Study	R	-2,500.00
5/4/2021	EFT	Debit Card (Microsoft)	Office 365 Renewal ...	Office:Supplies	R	-106.74
5/10/2021	EFT...	Union County	FY2020	Prop Tax 2021:Receipts 2021:Prepaym...	R	1.35
			FY2020	Prop Tax 2020:Receipts 2020:Tax	R	244.71
			FY2020	Prop Tax 2020:Receipts 2020:Int	R	10.64
			FY2020	Prop Tax Prior Years:Prop Tax 2019:R...	R	23.42
			FY2020	Prop Tax Prior Years:Prop Tax 2019:R...	R	2.70
			FY2020	Prop Tax Prior Years:Prop Tax 2018:R...	R	0.40
			FY2020	Prop Tax Prior Years:Prop Tax 2018:R...	R	1.11
			FY2020	Prop Tax Prior Years:Prop Tax 2015:R...	R	0.00
			FY2020	Prop Tax Prior Years:Prop Tax 2015:R...	R	1.82
			FY2020	Tax Coll:Contract	R	-4.29
5/10/2021	6098	Bucket, Mop, And Br...	I/N CTBCom-1452 j...	Office:Maint:Service	R	-188.00
5/10/2021	6099	R.C.S., Inc.	I/N 123253 Park Re...	Community:Parks & Rec:Park	R	-200.00
5/10/2021	6100	Clark, Griffin & McC...	I/N 7616 5/2021 (FY...	Attorney	R	-300.00
5/10/2021	6101	Old Republic Surety ...	W150129841 Janet ...	Emp:Bond	R	-100.00
5/10/2021	6102	Union County Public...	84361*00 (FY2020)	Office:Util	R	-37.72
5/10/2021	6103	Union County Public...	91052*00 (FY2020)	Community:Parks & Rec:Park	R	-15.09
5/10/2021	6104	The Enquirer-Journa...	A/N 00013909 Publi...	Ads	R	-254.12
5/10/2021	6105	Xerox Corporation	I/N 013220646 (FY2...	Office:Supplies	R	-102.14
5/11/2021	EFT	Debit Card (AOL)	AOL Troubleshootin...	Office:Tel	R	-7.99
5/12/2021	EFT	Debit Card (Staples)	Paper (FY2020)	Office:Supplies	R	-68.30
5/14/2021	EFT	Debit Card (WalMart)	Water (FY2020)	Office:Supplies	R	-6.10
5/17/2021	EFT	NC Department of R...	Sales & Use Distribu...	Sales Tax:Sales & Use Dist	R	2,080.87
5/17/2021	DEP	Deposit #20017	#20017 Zoning (FY2...	Other Inc:Zoning	R	400.00
5/20/2021	6106	Taylor & Sons Mowi...	I/N 017 4/21, 5/21 (F...	Office:Maint:Service	R	-790.00
5/20/2021	6107	Frederick Becker III	1/21 - 2/21 reimburs...	Travel	R	-80.08
5/20/2021	6108	Windstream	061348611 (FY2020)	Office:Tel	R	-257.81
5/20/2021	6109	Duke Power	9100 3284 5041 (OI...	Office:Util	R	-25.07
5/20/2021	6110	Duke Power	9100 3284 4818 (FY...	Office:Util	R	-108.44
5/24/2021	EFT...	Union County {NCV...	NCVTS 2104 (FY20...	Veh Tax:Tax 2020	R	899.53
			NCVTS Refunds (F...	Veh Tax:Tax 2020	R	-2.51
			NCVTS 2104 (FY20...	Veh Tax:Int 2020	R	7.86
			FY2020	Tax Coll:Contract	R	-28.79
5/24/2021	6111	Forms & Supply, Inc.	I/N 5785702-0 (FY2...	Office:Supplies		-142.72
5/24/2021	611...	Municipal Insurance ...	6/21 (FY2020)	Emp:Benefits:Life	R	-52.08
			6/21 (FY2020)	Emp:Benefits:Dental	R	-82.00
			6/21 (FY2020)	Emp:Benefits:Vision	R	-14.00
5/25/2021	EFT...	NC State Treasurer	05/21 LGERS contri...	Office:Clerk	R	-192.48
			05/21 LGERS contri...	Office:Finance Officer	R	-177.78
			05/21 LGERS contri...	Planning:Administration:Salaries	R	-166.38
			05/21 employer cont...	Emp:Benefits:NCLGERS	R	-1,328.19
5/27/2021	EFT...	Paychex	Salary 05/21 (FY202...	Office:Clerk	R	-3,015.52
			Supplement 05/21 (...)	Office:Clerk	R	0.00
			05/21 (FY2020)	Office:Deputy Clerk	R	-865.21

Register Report - May 2021

5/1/2021 through 5/31/2021

6/27/2021

Page 2

Date	Num	Description	Memo	Category	Clr	Amount
			Salary 05/21 (FY202... Office:Finance Officer		R	-2,785.22
			Salary 05/21 (FY202... Office:Mayor		R	-400.00
			Salary 05/21 (FY202... Office:Council		R	-900.00
			Salary 05/21 (FY202... Planning:Administration:Salaries		R	-2,606.62
			Salary 05/21 (FY202... Tax Coll:Sal		R	-25.00
			FY2020 Emp:FICA:Soc Sec		R	-657.04
			FY2020 Emp:FICA:Med		R	-153.70
5/27/2021	EFT	NC Department of R...	2021 Beer & Wine T...	Sales Tax:Beer& Wine Tax	R	12,885.10
5/27/2021	6113	Forms & Supply, Inc.	I/N 5785702-1 pen r...	Office:Supplies		-9.50
5/27/2021	6114	Duke Power	9100 3284 5207 (FY...	Street Lighting		-93.92
5/27/2021	6115	Verizon Wireless	221474588-00001 (...	Office:Tel		-70.22
5/27/2021	DEP	Deposit #20018	Dep #20018 (FY2020)	Other Inc:Zoning	R	50.00
5/28/2021	EFT	Paychex Fees	Fees 05/21 (FY2020)	Emp:Payroll	R	-146.50
5/28/2021	EFT	Debit Card (Lowe's)	Hose Fittings (FY20...	Office:Maint:Materials		-13.09
5/1/2021 - 5/31/2021						-2,814.95

TOTAL INFLOWS	16,609.51
TOTAL OUTFLO...	-19,424.46
NET TOTAL	-2,814.95

This page has been intentionally left blank.

May 2021

Revenue Details

This page has been intentionally left blank.

NC Sales & Use Distribution - 5/17/2021

March 2021 Collections

Summary

MUNICIPALITY	ARTICLE 39	ARTICLE 40	ARTICLE 42	ARTICLE 43	ARTICLE 44	ART 44 *524	ARTICLE 45	ARTICLE 46	CITY HH	TOTAL
UNION	1,994,099.64	1,150,191.15	1,052,646.49	-	10.28	309,221.75	-	-	(257,879.55)	4,248,289.76
FAIRVIEW	877.05	505.88	462.98	-	-	136.00	-	-	478.17	2,460.08
HEMBY BRIDGE	-	-	-	-	-	-	-	-	-	-
INDIAN TRAIL	73,901.16	42,625.98	39,010.99	-	0.38	11,459.73	-	-	40,291.81	207,290.05
LAKE PARK	6,726.27	3,879.69	3,550.67	-	0.03	1,043.03	-	-	3,667.25	18,866.94
MARSHVILLE	9,983.08	5,758.21	5,269.87	-	0.05	1,548.06	-	-	5,442.89	28,002.16
MARVIN	6,036.47	3,481.82	3,186.54	-	0.03	936.07	-	-	3,291.16	16,932.09
MINERAL SPRINGS	741.85	427.90	391.61	-	-	115.04	-	-	404.47	2,080.87
MINT HILL *	41.94	24.19	22.14	-	-	6.50	-	-	22.87	117.64
MONROE	235,020.07	135,558.92	124,062.54	-	1.21	36,444.17	-	-	128,135.80	659,222.71
STALLINGS *	39,215.37	22,619.31	20,701.03	-	0.20	6,081.06	-	-	21,380.70	109,997.67
UNIONVILLE	1,193.82	688.59	630.20	-	0.01	185.12	-	-	650.89	3,348.63
WAXHAW	78,821.02	45,463.75	41,608.09	-	0.41	12,222.65	-	-	42,974.19	221,090.11
WEDDINGTON *	12,261.43	7,072.36	6,472.57	-	0.06	1,901.36	-	-	6,685.09	34,392.87
WESLEY CHAPEL	1,754.59	1,012.04	926.22	-	0.01	272.08	-	-	956.63	4,921.57
WINGATE	6,415.17	3,700.25	3,386.44	-	0.03	994.79	-	-	3,497.63	17,994.31
TOTAL	2,467,088.93	1,423,010.04	1,302,328.38	-	12.70	382,567.41	-	-	-	5,575,007.46

Jurisdiction Collection by Year
Union County
Date Distributed: 4/1/2021 to 4/30/2021

990 - TOWN OF MINERAL SPRINGS

Year	Taxes, Assessments and Misc. Charges	Late List	Interest	Total Collected	Commission	Net of Commission
2015	0.00	0.00	1.82	1.82	0.03	1.79
2018	0.37	0.03	1.11	1.51	0.02	1.49
2019	23.39	0.03	2.70	26.12	0.39	25.73
2020	244.17	0.54	10.64	255.35	3.83	251.52
2021	1.35	0.00	0.00	1.35	0.02	1.33
Total:	269.28	0.60	16.27	286.15	4.29	281.86
Grand Total:	269.28	0.60	16.27	286.15	4.29	281.86

Invoice Date	Invoice Number	Description	Invoice Amount
05/04/2021	2110TAXES	TAX/FEE/INT-APRIL 2021	\$281.86

Vendor No.	Vendor Name	Check No.	Check Date	Check Amount
10870	TOWN OF MINERAL SPRINGS	00070105	05/10/2021	281.86



County of Union
 500 North Main Street
 Monroe, North Carolina 28112

Vendor Number Check Date Check Number
 10870 05/10/2021 00070105

"This disbursement has been approved as required by the Local Government Budget and Fiscal Control Act."

\$281.86

Pay Two Hundred Eighty One Dollars and 86 cents *****

To The TOWN OF MINERAL SPRINGS
 Order Of PO BOX 600
 MINERAL SPRINGS NC 28108

**EFT COPY
 NON-NEGOTIABLE**

AP



County of Union
 500 North Main Street
 Monroe, North Carolina 28112

10870
 00070105

ADDRESS SERVICE REQUESTED

TOWN OF MINERAL SPRINGS
 PO BOX 600
 MINERAL SPRINGS NC 28108

Invoice Date	Invoice Number	Description	Invoice Amount
04/30/2021	VTFNAP2104-1	CASH RECEIVED APR 2021 & REFUN	\$876.09

Vendor No.	Vendor Name	Check No.	Check Date	Check Amount
10870	TOWN OF MINERAL SPRINGS	00070308	05/24/2021	876.09



County of Union
 500 North Main Street
 Monroe, North Carolina 28112

Vendor Number Check Date Check Number
 10870 05/24/2021 00070308

"This disbursement has been approved as required by the Local Government Budget and Fiscal Control Act."

\$876.09

Pay Eight Hundred Seventy Six Dollars and 09 cents *****

To The TOWN OF MINERAL SPRINGS
 Order Of PO BOX 600
 MINERAL SPRINGS NC 28108

**EFT COPY
 NON-NEGOTIABLE**

AP



County of Union
 500 North Main Street
 Monroe, North Carolina 28112

10870
 00070308

ADDRESS SERVICE REQUESTED

TOWN OF MINERAL SPRINGS
 PO BOX 600
 MINERAL SPRINGS NC 28108



North Carolina Department of Revenue
Financial Services Division
Raleigh, North Carolina

*AMOUNT OF BEER (BEER, LAGER BEER, ALE, PORTER, ETC.)
 UNFORTIFIED WINE AND FORTIFIED WINE EXCISE TAXES ALLOCATED
 TO COUNTIES AND MUNICIPALITIES AS REQUIRED BY
 GENERAL STATUTE 105-113.82 FOR THE PERIOD
 APRIL 1, 2020 TO MARCH 31, 2021*

	Net Collections	Percent to Distribute	Amount Distributed
Beer	\$ 125,996,931.77	20.47%	\$ 25,791,571.94
Unfortified Wine	\$ 27,488,132.50	49.44%	\$ 13,590,132.71
Fortified Wine	\$ 443,971.43	18.00%	\$ 79,914.86
Total Distributed			\$ 39,461,619.51

	BEER	UNFORTIFIED WINE	FORTIFIED WINE
Total Population	10,487,088	10,487,088	10,487,088
Eligible to Share	9,431,883	9,485,485	8,584,832
Ineligible to Share	1,055,205	1,001,603	1,902,256
Final Per Capita	\$ 2.734509186	\$ 1.432729277	\$ 0.009308843

2021 Alcoholic Beverage Distribution

County	Municipalities	Beer	Unfortified Wine	Fortified Wine	Total
Union		\$ 206,988.67	\$ 108,450.44	\$ -	\$ 315,439.11
Union	Fairview	\$ 10,454.03	\$ 5,477.32	\$ -	\$ 15,931.35
Union	Hemby Bridge	\$ 4,421.70	\$ 2,316.72	\$ -	\$ 6,738.42
Union	Indian Trail	\$ 108,912.77	\$ 57,064.17	\$ 370.76	\$ 166,347.70
Union	Lake Park	\$ 10,268.08	\$ 5,379.90	\$ -	\$ 15,647.98
Union	Marshville	\$ 6,710.49	\$ 3,515.92	\$ 22.84	\$ 10,249.25
Union	Marvin	\$ 19,920.90	\$ 10,437.43	\$ 67.81	\$ 30,426.14
Union	Mineral Springs	\$ 8,455.10	\$ 4,430.00	\$ -	\$ 12,885.10
Union	Mint Hill (part)	\$ 169.54	\$ 88.83	\$ -	\$ 258.37
Union	Monroe	\$ 96,889.13	\$ 50,764.46	\$ 329.83	\$ 147,983.42
Union	Stallings (part)	\$ 44,126.77	\$ 23,119.95	\$ 150.22	\$ 67,396.94
Union	Unionville	\$ 19,330.25	\$ 10,127.96	\$ -	\$ 29,458.21
Union	Waxhaw	\$ 40,273.85	\$ 21,101.24	\$ 137.10	\$ 61,512.19
Union	Weddington	\$ 30,497.98	\$ 15,979.23	\$ 103.82	\$ 46,581.03
Union	Wesley Chapel	\$ 25,488.36	\$ 13,354.47	\$ 86.77	\$ 38,929.60
Union	Wingate	\$ 11,356.42	\$ 5,950.12	\$ 38.66	\$ 17,345.20

MEMO

To: Mineral Springs Town Council
From: Rick Becker
Date: July 1, 2021
Subject: Vacancy due to the passing of Councilwoman Peggy Neill

Due to the passing of founding council member Peggy Neill, a vacancy now exists on the town council. NC G.S. §160A-63 (attached) states that such a vacancy “shall be filled by appointment of the city council”. However, the statute also requires that “a successor shall be elected at the next regularly scheduled city election that is held more than 90 days after the vacancy occurs”. Since the November 2, 2021 election is more than 90 days after the vacancy occurred, Councilwoman Neill’s unexpired term must appear on the 2021 ballot.

A similar situation occurred in 2007, when Councilman Faulk resigned his seat in July. The election in November 2007 was more than 90 days after the vacancy occurred, so Councilman Faulk’s unexpired term appeared on the 2007 ballot. The town council discussed the idea of appointing somebody to fill Councilman Faulk’s seat for the short period prior to the election, but (from the minutes) “[t]here was a consensus of the council that it would take at least sixty to ninety days to appoint a replacement and that the town should wait for the election to fill the seat”. Council went on to vote unanimously “to entrust the filling of the seat to the voters and not to appoint a replacement at this time”.

Two other vacancies have occurred on the town council: Councilwoman Mabe’s and Councilwoman LaMonica’s. The town council DID appoint replacements for both those seats, but in both cases the vacancies occurred with well over a year before the next election.

Council should decide what course of action to take on this vacancy.

§ 160A-63. Vacancies.

A vacancy that occurs in an elective office of a city shall be filled by appointment of the city council. If the term of the office expires immediately following the next regular city election, or if the next regular city election will be held within 90 days after the vacancy occurs, the person appointed to fill the vacancy shall serve the remainder of the unexpired term. Otherwise, a successor shall be elected at the next regularly scheduled city election that is held more than 90 days after the vacancy occurs, and the person appointed to fill the vacancy shall serve only until the elected successor takes office. The elected successor shall then serve the remainder of the unexpired term. If the number of vacancies on the council is such that a quorum of the council cannot be obtained, the mayor shall appoint enough members to make up a quorum, and the council shall then proceed to fill the remaining vacancies. If the number of vacancies on the council is such that a quorum of the council cannot be obtained and the office of mayor is vacant, the Governor may fill the vacancies upon the request of any remaining member of the council, or upon the petition of any five registered voters of the city. Vacancies in appointive offices shall be filled by the same authority that makes the initial appointment. This section shall not apply to vacancies in cities that have not held a city election, levied any taxes, or engaged in any municipal functions for a period of five years or more.

In cities whose elections are conducted on a partisan basis, a person appointed to fill a vacancy in an elective office shall be a member of the same political party as the person whom he replaces if that person was elected as the nominee of a political party. (R.C., c. 111, ss. 9, 10; Code, ss. 3793, 3794; Rev., ss. 2921, 2931; C.S., ss. 2629, 2631; 1971, c. 698, s. 1; 1973, c. 426, s. 11; c. 827, s. 1; 1983, c. 827, s. 1.)



June 18, 2021

To The Town Council and Management
Town of Mineral Springs
PO Box 600
Mineral Springs, NC 28108

I am pleased to confirm my understanding of the services I am to provide the Town of Mineral Springs for the year ended June 30, 2021. I will audit the financial statements of the governmental activities, each major fund, and the aggregate remaining fund information, including the related notes to the financial statements, which collectively comprise the basic financial statements, of the Town of Mineral Springs as of and for the year ended June 30, 2021. Accounting standards generally accepted in the United States of America provide for certain required supplementary information (RSI), such as management's discussion and analysis (MD&A), to supplement the Town of Mineral Springs's basic financial statements. Such information, although not a part of the basic financial statements, is required by the Governmental Accounting Standards Board who considers it to be an essential part of financial reporting for placing the basic financial statements in an appropriate operational, economic, or historical context. As part of my engagement, I will apply certain limited procedures to the Town of Mineral Springs's RSI in accordance with auditing standards generally accepted in the United States of America. These limited procedures will consist of inquiries of management regarding the methods of preparing the information and comparing the information for consistency with management's responses to my inquiries, the basic financial statements, and other knowledge I obtained during my audit of the basic financial statements. I will not express an opinion or provide any assurance on the information because the limited procedures do not provide me with sufficient evidence to express an opinion or provide any assurance. The following RSI is required by generally accepted accounting principles and will be subjected to certain limited procedures, but will not be audited:

- 1) Management's Discussion and Analysis.
- 2) Budgetary Comparison Schedules.

I have also been engaged to report on supplementary information other than RSI that accompanies the Town of Mineral Springs's financial statements. I will subject the following supplementary information to the auditing procedures applied in my audit of the financial statements and certain additional procedures, including comparing and reconciling such information directly to the underlying accounting and other records used to prepare the financial statements or to the financial statements themselves, and other additional procedures in accordance with auditing standards generally accepted in the United States of America and will provide an opinion on it in relation to the financial statements as a whole:

- 1) Schedule of Revenues, Expenditures and Changes in Fund Balances, - Budget and Actual – General Fund.

Audit Objectives

The objective of my audit is the expression of opinions as to whether your basic financial statements are fairly presented, in all material respects, in conformity with U.S. generally accepted accounting principles and to report on the fairness of the supplementary information referred to in the second paragraph when considered in relation to the financial statements as a whole. My audit will be conducted in accordance with auditing standards generally accepted in the United States of America, and will include tests of the accounting records of Town of Mineral Springs and other procedures I consider necessary to enable me to express such opinions. I cannot provide assurance that unmodified opinions will be expressed. Circumstances may arise in which it is necessary for me to modify my opinions or add emphasis-of-matter or other-matter paragraphs. If our opinions on the financial statements are other than unmodified, I will discuss the reasons with you in advance. If, for any reason, I am unable to complete the audit or are unable to form or have not formed opinions, I may decline to express opinions or to issue a report as a result of this engagement.

Audit Procedures—General

An audit includes examining, on a test basis, evidence supporting the amounts and disclosures in the financial statements; therefore, my audit will involve judgment about the number of transactions to be examined and the areas to be tested. An audit also includes evaluating the appropriateness of accounting policies used and the reasonableness of significant accounting estimates made by management, as well as evaluating the overall presentation of the financial statements. I will plan and perform the audit to obtain reasonable rather than absolute assurance about whether the financial statements are free of material misstatement, whether from (1) errors, (2) fraudulent financial reporting, (3) misappropriation of assets, or (4) violations of laws or governmental regulations that are attributable to the entity or to acts by management or employees acting on behalf of the entity.

Because of the inherent limitations of an audit, combined with the inherent limitations of internal control, and because I will not perform a detailed examination of all transactions, there is a risk that material misstatements or noncompliance may exist and not be detected by me, even though the audit is properly planned and performed in accordance with U.S. generally accepted auditing standards. In addition, an audit is not designed to detect immaterial misstatements or violations of laws or governmental regulations that do not have a direct and material effect on the financial statements. However, I will inform the appropriate level of management of any material errors, any fraudulent financial reporting, or misappropriation of assets that come to my attention. I will also inform the appropriate level of management of any violations of laws or governmental regulations that come to my attention, unless clearly inconsequential, and of any material abuse that comes to my attention. My responsibility as auditor is limited to the period covered by my audit and does not extend to any later periods for which I am not engaged as auditor.

My procedures will include tests of documentary evidence supporting the transactions recorded in the accounts, and may include tests of the physical existence of inventories, and direct confirmation of receivables and certain other assets and liabilities by correspondence with selected individuals, funding sources, creditors, and financial institutions. I will request written representations from your attorneys as part of the engagement, and they may bill you for responding to this inquiry. At the conclusion of my audit, I will require certain written representations from you about the financial statements and related matters.

Audit Procedures—Internal Control

My audit will include obtaining an understanding of the entity and its environment, including internal control, sufficient to assess the risks of material misstatement of the financial statements and to design the nature, timing, and extent of further audit procedures.

An audit is not designed to provide assurance on internal control or to identify significant deficiencies or material weaknesses. However, during the audit, I will communicate to management and those charged with governance internal control related matters that are required to be communicated under AICPA professional standards.

Audit Procedures—Compliance

As part of obtaining reasonable assurance about whether the financial statements are free of material misstatement, I will perform tests of the Town of Mineral Springs's compliance with provisions of applicable laws, regulations, contracts, and agreements. However, the objective of those procedures will not be to provide an opinion on overall compliance and I will not express such an opinion.

Other Services

I will also assist in preparing the financial statements of the Town of Mineral Springs in conformity with U.S. generally accepted accounting principles based on information provided by you. I will perform the services in accordance with applicable professional standards. The other services are limited to the financial statement services previously defined. I, in my sole professional judgment, reserve the right to refuse to perform any procedure or take any action that could be construed as assuming management responsibilities.

Management Responsibilities

Management is responsible for establishing and maintaining effective internal controls, including monitoring ongoing activities; for the selection and application of accounting principles; and for the preparation and fair presentation of the financial statements in conformity with U.S. generally accepted accounting principles.

Management is also responsible for making all financial records and related information available to me and for the accuracy and completeness of that information. You are also responsible for providing me with (1) access to all information of which you are aware that is relevant to the preparation and fair presentation of the financial statements, (2) additional information that I may request for the purpose of the audit, and (3) unrestricted access to persons within the government from whom I determine it necessary to obtain audit evidence.

Your responsibilities include adjusting the financial statements to correct material misstatements and confirming to me in the management representation letter that the effects of any uncorrected misstatements aggregated by me during the current engagement and pertaining to the latest period presented are immaterial, both individually and in the aggregate, to the financial statements taken as a whole.

You are responsible for the design and implementation of programs and controls to prevent and detect fraud, and for informing me about all known or suspected fraud affecting the government involving (1) management, (2) employees who have significant roles in internal control, and (3) others where the fraud could have a material effect on the financial statements. Your responsibilities include informing me of your knowledge of any allegations of fraud or suspected fraud affecting the government received in communications from employees, former employees, regulators, or others. In addition, you are responsible for identifying and ensuring that the government complies with applicable laws and regulations.

You are responsible for the preparation of the supplementary information in conformity with U.S. generally accepted accounting principles. You agree to include my report on the supplementary information in any document that contains and indicates that I have reported on the supplementary information. You also agree to include the audited financial statements with any presentation of the supplementary information that includes my report thereon. Your responsibilities include acknowledging to me in the representation letter that (1) you are responsible for presentation of the supplementary information in accordance with GAAP; (2) you believe the supplementary information, including its form and content, is fairly presented in accordance with GAAP; (3) the methods of measurement or presentation have not changed from those used in the prior period (or, if they have changed, the reasons for such changes); and (4) you have disclosed to me any significant assumptions or interpretations underlying the measurement or presentation of the supplementary information.

You agree to assume all management responsibilities for financial statement preparation services and any other nonattest services I provide; oversee the services by designating an individual, preferably from senior management, with suitable skill, knowledge, or experience; evaluate the adequacy and results of the services; and accept responsibility for them.

Engagement Administration, Fees, and Other

I may from time to time, and depending on the circumstances, use third-party service providers in serving your account. I may share confidential information about you with these service providers, but remain committed to maintaining the confidentiality and security of your information. Accordingly, I maintain internal policies, procedures, and safeguards to protect the confidentiality of your personal information. In addition, I will secure confidentiality agreements with all service providers to maintain the confidentiality of your information and I will take reasonable precautions to determine that they have appropriate procedures in place to prevent the unauthorized release of your confidential information to others. In the event that I am unable to secure an appropriate confidentiality agreement, you will be asked to provide your consent prior to the sharing of your confidential information with the third-party service provider. Furthermore, I will remain responsible for the work provided by any such third-party service providers.

I understand that your employees will locate any documents selected by me for testing.

I expect to begin my audit in August/September 2021 and to issue my reports no later than October 31, 2021. Kendra Gangal is the engagement partner and is responsible for supervising the engagement and signing the reports or authorizing another individual to sign them. My fee for these services will be at my standard hourly rates including out-of-pocket costs (such as report reproduction, word processing, postage, travel, copies, telephone, etc.) except that I agree that my gross fee, including expenses, will not exceed \$4,730. My standard hourly rates vary according to the degree of responsibility involved and the experience level of the personnel assigned to your audit.

My invoices for these fees will be rendered each month as work progresses and are payable on presentation. If I elect to terminate my services for nonpayment, my engagement will be deemed to have been completed upon written notification of termination, even if I have not completed my reports. You will be obligated to compensate me for all time expended and to reimburse me for all out-of-pocket costs through the date of termination. The above fee is based on anticipated cooperation from your personnel and the assumption that unexpected circumstances will not be encountered during the audit. If significant additional time is necessary, I will discuss it with you and arrive at a new fee estimate before I incur the additional costs.

I appreciate the opportunity to be of service to the Town of Mineral Springs and believe this letter accurately summarizes the significant terms of our engagement. If you have any questions, please let me know. If you agree with the terms of our engagement as described in this letter, please sign the enclosed copy and return it to me.

Very truly yours,

Kendra Gangal, CPA

Kendra Gangal CPA, PLLC

RESPONSE:

This letter correctly sets forth the understanding of the Town of Mineral Springs.

Governance signature: _____

Title: _____

Date: _____

The	Governing Board Council
of	Primary Government Unit (or charter holder) Town of Mineral Springs
and	Discretely Presented Component Unit (DPCU) (if applicable) N/A

Primary Government Unit, together with DPCU (if applicable), hereinafter referred to as Governmental Unit(s)

and	Auditor Name Kendra Gangal CPA, PLLC
	Auditor Address 6420 Rea Road Suite A1 #300 Charlotte, NC 28277

Hereinafter referred to as Auditor

for	Fiscal Year Ending 06/30/21	Audit Report Due Date 10/31/21
-----	--------------------------------	-----------------------------------

Must be within four months of FYE

hereby agree as follows:

1. The Auditor shall audit all statements and disclosures required by U.S. generally accepted auditing standards (GAAS) and additional required legal statements and disclosures of all funds and/or divisions of the Governmental Unit(s). The non-major combining, and individual fund statements and schedules shall be subjected to the auditing procedures applied in the audit of the basic financial statements and an opinion shall be rendered in relation to (as applicable) the governmental activities, the business- type activities, the aggregate DPCUs, each major governmental and enterprise fund, and the aggregate remaining fund information (non-major government and enterprise funds, the internal service fund type, and the fiduciary fund types).

2. At a minimum, the Auditor shall conduct his/her audit and render his/her report in accordance with GAAS. The Auditor shall perform the audit in accordance with *Government Auditing Standards* if required by the State Single Audit Implementation Act, as codified in G.S. 159-34. If required by OMB *Uniform Administration Requirements, Cost Principles, and Audit Requirements for Federal Awards* (Uniform Guidance) and the State Single Audit Implementation Act, the Auditor shall perform a Single Audit. This audit and all associated audit documentation may be subject to review by Federal and State agencies in accordance with Federal and State laws, including the staffs of the Office of State Auditor (OSA) and the Local Government Commission (LGC). If the audit requires a federal single audit performed under the requirements found in Subpart F of the Uniform Guidance (§200.501), it is recommended that the Auditor and Governmental Unit(s) jointly agree, in advance of the execution of this contract, which party is responsible for submission of the audit and the accompanying data collection form to the Federal Audit Clearinghouse as required under the Uniform Guidance (§200.512).

If the audit and Auditor communication are found in this review to be substandard, the results of the review may be forwarded to the North Carolina State Board of CPA Examiners (NC State Board).

3. If an entity is determined to be a component of another government as defined by the group audit standards, the entity's auditor shall make a good faith effort to comply in a timely manner with the requests of the group auditor in accordance with AU-6 §600.41 - §600.42.
4. This contract contemplates an unmodified opinion being rendered. If during the process of conducting the audit, the Auditor determines that it will not be possible to render an unmodified opinion on the financial statements of the unit, the Auditor shall contact the LGC Staff to discuss the circumstances leading to that conclusion as soon as is practical and before the final report is issued. The audit shall include such tests of the accounting records and such other auditing procedures as are considered by the Auditor to be necessary in the circumstances. Any limitations or restrictions in scope which would lead to a qualification should be fully explained in an attachment to this contract.
5. If this audit engagement is subject to the standards for audit as defined in *Government Auditing Standards*, 2018 revision, issued by the Comptroller General of the United States, then by accepting this engagement, the Auditor warrants that he/she has met the requirements for a peer review and continuing education as specified in *Government Auditing Standards*. The Auditor agrees to provide a copy of the most recent peer review report to the Governmental Unit(s) and the Secretary of the LGC prior to the execution of an audit contract. Subsequent submissions of the report are required only upon report expiration or upon auditor's receipt of an updated peer review report. If the audit firm received a peer review rating other than pass, the Auditor shall not contract with the Governmental Unit(s) without first contacting the Secretary of the LGC for a peer review analysis that may result in additional contractual requirements.
- If the audit engagement is not subject to *Government Accounting Standards* or if financial statements are not prepared in accordance with U.S. generally accepted accounting principles (GAAP) and fail to include all disclosures required by GAAP, the Auditor shall provide an explanation as to why in an attachment to this contract or in an amendment.
6. It is agreed that time is of the essence in this contract. All audits are to be performed and the report of audit submitted to LGC Staff within four months of fiscal year end. If it becomes necessary to amend this due date or the audit fee, an amended contract along with a written explanation of the delay shall be submitted to the Secretary of the LGC for approval.
7. It is agreed that GAAS include a review of the Governmental Unit's (Units') systems of internal control and accounting as same relate to accountability of funds and adherence to budget and law requirements applicable thereto; that the Auditor shall make a written report, which may or may not be a part of the written report of audit, to the Governing Board setting forth his/her findings, together with his recommendations for improvement. That written report shall include all matters defined as "significant deficiencies and material weaknesses" in AU-C 265 of the *AICPA Professional Standards (Clarified)*. The Auditor shall file a copy of that report with the Secretary of the LGC.
8. All local government and public authority contracts for audit or audit-related work require the approval of the Secretary of the LGC. This includes annual or special audits, agreed upon procedures related to internal controls, bookkeeping or other assistance necessary to prepare the Governmental Unit's (Units') records for audit, financial statement preparation, any finance-related investigations, or any other audit-related work in the State of North Carolina. Approval is not required on contracts and invoices for system improvements and similar services of a non-auditing nature.
9. Invoices for services rendered under these contracts shall not be paid by the Governmental Unit(s) until the invoice has been approved by the Secretary of the LGC. (This also includes any progress billings.) [G.S. 159-34 and 115C-447] All invoices for Audit work shall be submitted in PDF format to the Secretary of the LGC for approval. The invoice marked 'approved' with approval date shall be returned to

the Auditor to present to the Governmental Unit(s) for payment. This paragraph is not applicable to contracts for audits of hospitals.

10. In consideration of the satisfactory performance of the provisions of this contract, the Governmental Unit(s) shall pay to the Auditor, upon approval by the Secretary of the LGC if required, the fee, which includes any costs the Auditor may incur from work paper or peer reviews or any other quality assurance program required by third parties (federal and state grantor and oversight agencies or other organizations) as required under the Federal and State Single Audit Acts. This does not include fees for any pre-issuance reviews that may be required by the NC Association of CPAs (NCACPA) Peer Review Committee or NC State Board of CPA Examiners (see Item 13).

11. If the Governmental Unit(s) has/have outstanding revenue bonds, the Auditor shall submit to LGC Staff, either in the notes to the audited financial statements or as a separate report, a calculation demonstrating compliance with the revenue bond rate covenant. Additionally, the Auditor shall submit to LGC Staff simultaneously with the Governmental Unit's (Units') audited financial statements any other bond compliance statements or additional reports required by the authorizing bond documents, unless otherwise specified in the bond documents.

12. After completing the audit, the Auditor shall submit to the Governing Board a written report of audit. This report shall include, but not be limited to, the following information: (a) Management's Discussion and Analysis, (b) the financial statements and notes of the Governmental Unit(s) and all of its component units prepared in accordance with GAAP, (c) supplementary information requested by the Governmental Unit(s) or required for full disclosure under the law, and (d) the Auditor's opinion on the material presented. The Auditor shall furnish the required number of copies of the report of audit to the Governing Board upon completion.

13. If the audit firm is required by the NC State Board, the NCACPA Peer Review Committee, or the Secretary of the LGC to have a pre-issuance review of its audit work, there shall be a statement in the engagement letter indicating the pre-issuance review requirement. There also shall be a statement that the Governmental Unit(s) shall not be billed for the pre-issuance review. The pre-issuance review shall be performed prior to the completed audit being submitted to LGC Staff. The pre-issuance review report shall accompany the audit report upon submission to LGC Staff.

14. The Auditor shall submit the report of audit in PDF format to LGC Staff. For audits of units other than hospitals, the audit report should be submitted when (or prior to) submitting the final invoice for services rendered. The report of audit, as filed with the Secretary of the LGC, becomes a matter of public record for inspection, review and copy in the offices of the LGC by any interested parties. Any subsequent revisions to these reports shall be sent to the Secretary of the LGC along with an Audit Report Reissued Form (available on the Department of State Treasurer website). These audited financial statements, excluding the Auditors' opinion, may be used in the preparation of official statements for debt offerings by municipal bond rating services to fulfill secondary market disclosure requirements of the Securities and Exchange Commission and for other lawful purposes of the Governmental Unit(s) without requiring consent of the Auditor. If the LGC Staff determines that corrections need to be made to the Governmental Unit's (Units') financial statements, those corrections shall be provided within three business days of notification unless another deadline is agreed to by LGC Staff.

15. Should circumstances disclosed by the audit call for a more detailed investigation by the Auditor than necessary under ordinary circumstances, the Auditor shall inform the Governing Board in writing of the need for such additional investigation and the additional compensation required therefore. Upon approval by the

Secretary of the LGC, this contract may be modified or amended to include the increased time, compensation, or both as may be agreed upon by the Governing Board and the Auditor.

16. If an approved contract needs to be modified or amended for any reason, the change shall be made in writing and pre-audited if the change includes a change in audit fee (pre-audit requirement does not apply to charter schools or hospitals). This amended contract shall be completed in full, including a written explanation of the change, signed and dated by all original parties to the contract. It shall then be submitted to the Secretary of the LGC for approval. No change to the audit contract shall be effective unless approved by the Secretary of the LGC, the Governing Board, and the Auditor.

17. A copy of the engagement letter, issued by the Auditor and signed by both the Auditor and the Governmental Unit(s), shall be attached to this contract, and except for fees, work, and terms not related to audit services, shall be incorporated by reference as if fully set forth herein as part of this contract. In case of conflict between the terms of the engagement letter and the terms of this contract, the terms of this contract shall take precedence. Engagement letter terms that conflict with the contract are deemed to be void unless the conflicting terms of this contract are specifically deleted in Item 28 of this contract. Engagement letters containing indemnification clauses shall not be accepted by LGC Staff.

18. Special provisions should be limited. Please list any special provisions in an attachment.

19. A separate contract should not be made for each division to be audited or report to be submitted. If a DPCU is subject to the audit requirements detailed in the Local Government Budget and Fiscal Control Act and a separate audit report is issued, a separate audit contract is required. If a separate report is not to be issued and the DPCU is included in the primary government audit, the DPCU shall be named along with the primary government on this audit contract. DPCU Board approval date, signatures from the DPCU Board chairman and finance officer also shall be included on this contract.

20. The contract shall be executed, pre-audited (pre-audit requirement does not apply to charter schools or hospitals), and physically signed by all parties including Governmental Unit(s) and the Auditor, then submitted in PDF format to the Secretary of the LGC.

21. The contract is not valid until it is approved by the Secretary of the LGC. The staff of the LGC shall notify the Governmental Unit and Auditor of contract approval by email. The audit should not be started before the contract is approved.

22. Retention of Client Records: Auditors are subject to the NC State Board of CPA Examiners' Retention of Client Records Rule 21 NCAC 08N .0305 as it relates to the provision of audit and other attest services, as well as non-attest services. Clients and former clients should be familiar with the requirements of this rule prior to requesting the return of records.

23. This contract may be terminated at any time by mutual consent and agreement of the Governmental Unit(s) and the Auditor, provided that (a) the consent to terminate is in writing and signed by both parties, (b) the parties have agreed on the fee amount which shall be paid to the Auditor (if applicable), and (c) no termination shall be effective until approved in writing by the Secretary of the LGC.

24. The Governmental Unit's (Units') failure or forbearance to enforce, or waiver of, any right or an event of breach or default on one occasion or instance shall not constitute the waiver of such right, breach or default on any subsequent occasion or instance.

25. There are no other agreements between the parties hereto and no other agreements relative hereto that shall be enforceable unless entered into in accordance with the procedure set out herein and approved by the Secretary of the LGC.

26. E-Verify. Auditor shall comply with the requirements of NCGS Chapter 64 Article 2. Further, if Auditor utilizes any subcontractor(s), Auditor shall require such subcontractor(s) to comply with the requirements of NCGS Chapter 64, Article 2.

27. **Applicable to audits with fiscal year ends of June 30, 2020 and later.** For all non-attest services, the Auditor shall adhere to the independence rules of the AICPA Professional Code of Conduct and Governmental Auditing Standards, 2018 Revision (as applicable). Financial statement preparation assistance shall be deemed a "significant threat" requiring the Auditor to apply safeguards sufficient to reduce the threat to an acceptable level. If the Auditor cannot reduce the threats to an acceptable level, the Auditor cannot complete the audit. If the Auditor is able to reduce the threats to an acceptable level, the documentation of this determination, including the safeguards applied, must be included in the audit workpapers.

All non-attest service(s) being performed by the Auditor that are necessary to perform the audit must be identified and included in this contract. The Governmental Unit shall designate an individual with the suitable skills, knowledge, and/or experience (SKE) necessary to oversee the services and accept responsibility for the results of the services performed. If the Auditor is able to identify an individual with the appropriate SKE, s/he must document and include in the audit workpapers how he/she reached that conclusion. If the Auditor determines that an individual with the appropriate SKE cannot be identified, the Auditor cannot perform both the non-attest service(s) and the audit. See "Fees for Audit Services" page of this contract to disclose the person identified as having the appropriate SKE for the Governmental Unit.

28. **Applicable to audits with fiscal year ends of June 30, 2021 and later.** The auditor shall present the audited financial statements including any compliance reports to the government unit's governing body or audit committee in an official meeting in open session as soon as the audited financial statements are available but not later than 45 days after the submission of the audit report to the Secretary. The auditor's presentation to the government unit's governing body or audit committee shall include:

- a) the description of each finding, including all material weaknesses and significant deficiencies, as found by the auditor, and any other issues related to the internal controls or fiscal health of the government unit as disclosed in the management letter, the Single Audit or Yellow Book reports, or any other communications from the auditor regarding internal controls as required by current auditing standards set by the Accounting Standards Board or its successor;
- b) the status of the prior year audit findings;
- c) the values of Financial Performance Indicators based on information presented in the audited financial statements; and
- d) notification to the governing body that the governing body shall develop a "Response to the Auditor's Findings, Recommendations, and Fiscal Matters," if required under 20 NCAC 03 .0508.

29. Information based on the audited financial statements shall be submitted to the Secretary for the purpose of identifying Financial Performance Indicators and Financial Performance Indicators of Concern.

30. Applicable to charter school contracts only: No indebtedness of any kind incurred or created by the charter school shall constitute an indebtedness of the State or its political subdivisions, and no indebtedness of the charter school shall involve or be secured by the faith, credit, or taxing power of the State or its political subdivisions.

31. All of the above paragraphs are understood and shall apply to this contract, except the following numbered paragraphs shall be deleted (See Item 16 for clarification).

32. The process for submitting contracts, audit reports and invoices is subject to change. Auditors and units should use the submission process and instructions in effect at the time of submission. Refer to the N.C. Department of State Treasurer website at <https://www.nctreasurer.com/state-and-local-government-finance-division/local-government-commission/submitting-your-audit>

33. All communications regarding audit contract requests for modification or official approvals will be sent to the email addresses provided on the signature pages that follow.

34. Modifications to the language and terms contained in this contract form (LGC-205) are not allowed.

FEEES FOR AUDIT SERVICES

1. For all non-attest services, the Auditor shall adhere to the independence rules of the AICPA Professional Code of Conduct (as applicable) and *Governmental Auditing Standards, 2018 Revision*. Refer to Item 27 of this contract for specific requirements. The following information must be provided by the Auditor; contracts presented to the LGC without this information will be not be approved.

Financial statements were prepared by: Auditor Governmental Unit Third Party

If applicable: Individual at Governmental Unit designated to have the suitable skills, knowledge, and/or experience (SKE) necessary to oversee the non-attest services and accept responsibility for the results of these services:

Name:	Title and Unit / Company:	Email Address:
Frederick Becker, III	Mayor/Town of Mineral Springs	msncmayor@yahoo.com

OR Not Applicable (Identification of SKE Individual not applicable for GAAS-only audit or audits with FYEs prior to June 30, 2020.)

2. Fees may not be included in this contract for work performed on Annual Financial Information Reports (AFIRs), Form 990s, or other services not associated with audit fees and costs. Such fees may be included in the engagement letter but may not be included in this contract or in any invoices requiring approval of the LGC. See Items 8 and 13 for details on other allowable and excluded fees.

3. Prior to submission of the completed audited financial report, applicable compliance reports and amended contract (if required) the Auditor may submit invoices for approval for services rendered, not to exceed 75% of the billings for the last annual audit of the unit submitted to the Secretary of the LGC. Should the 75% cap provided below conflict with the cap calculated by LGC Staff based on the billings on file with the LGC, the LGC calculation prevails. All invoices for services rendered in an audit engagement as defined in 20 NCAC .0503 shall be submitted to the Commission for approval before any payment is made. Payment before approval is a violation of law. (This paragraph not applicable to contracts and invoices associated with audits of hospitals).

PRIMARY GOVERNMENT FEES

Primary Government Unit	Town of Mineral Springs
Audit Fee	\$ 4,730
Additional Fees Not Included in Audit Fee:	
Fee per Major Program	\$
Writing Financial Statements	\$
All Other Non-Attest Services	\$
75% Cap for Interim Invoice Approval <i>(not applicable to hospital contracts)</i>	\$ 3,547.00

DPCU FEES (if applicable)

Discretely Presented Component Unit	N/A
Audit Fee	\$
Additional Fees Not Included in Audit Fee:	
Fee per Major Program	\$
Writing Financial Statements	\$
All Other Non-Attest Services	\$
75% Cap for Interim Invoice Approval <i>(not applicable to hospital contracts)</i>	\$

SIGNATURE PAGE

AUDIT FIRM

Audit Firm* Kendra Gangal CPA, PLLC	
Authorized Firm Representative (typed or printed)* Kendra Gangal	Signature* <i>Kendra Gangal</i>
Date* 06/18/21	Email Address* kendra.gangal@kg-cpa.com

GOVERNMENTAL UNIT

Governmental Unit* Town of Mineral Springs	
Date Primary Government Unit Governing Board Approved Audit Contract* (G.S.159-34(a) or G.S.115C-447(a))	
Mayor/Chairperson (typed or printed)* Frederick Becker, III	Signature*
Date	Email Address msncmayor@yahoo.com

Chair of Audit Committee (typed or printed, or "NA") N/A	Signature
Date	Email Address

GOVERNMENTAL UNIT – PRE-AUDIT CERTIFICATE

Required by G.S. 159-28(a1) or G.S. 115C-441(a1).
Not applicable to hospital contracts.

This instrument has been pre-audited in the manner required by The Local Government Budget and Fiscal Control Act or by the School Budget and Fiscal Control Act.

Primary Governmental Unit Finance Officer* (typed or printed) Frederick Becker, III	Signature*
Date of Pre-Audit Certificate*	Email Address* msncmayor@yahoo.com

**SIGNATURE PAGE – DPCU
(complete only if applicable)**

DISCRETELY PRESENTED COMPONENT UNIT

DPCU*	
N/A	
Date DPCU Governing Board Approved Audit Contract* (Ref: G.S. 159-34(a) or G.S. 115C-447(a))	
DPCU Chairperson (typed or printed)*	Signature*
Date*	Email Address*

Chair of Audit Committee (typed or printed, or "NA")	Signature
Date	Email Address

DPCU – PRE-AUDIT CERTIFICATE

Required by G.S. 159-28(a1) or G.S. 115C-441(a1).
Not applicable to hospital contracts.

This instrument has been pre-audited in the manner required by The Local Government Budget and Fiscal Control Act or by the School Budget and Fiscal Control Act.

DPCU Finance Officer (typed or printed)*	Signature*
Date of Pre-Audit Certificate*	Email Address*

Remember to print this form, and obtain all required signatures prior to submission.

PRINT